



CONSENSUS

A Newsletter for BHEA Members
February 13, 2008



Controversy Erupts Over 'Intervention Matrix'

- A surprised BHEA President asks Board to postpone vote due to legal issues, lack of collaboration.
- Board relies on incorrect information from Asst. Supt. of Ed. Services Ilene Straus related to BHEA's prior legal action on this matter.
- With Fenton and Goldberg abstaining, Board passes new intervention policy on 3-0 vote.
- Board action could lead to new, uncompensated, mandatory duties for teachers during the work day.

On Feb. 5, The Board of Education approved a new 'intervention matrix' protocol on a 3-0 vote. Board Pres. Myra Demeter, Board Vice-Pres. Nooshin Meshkaty, and Board member Myra Lurie voted in favor while Board members Steve Fenton and Brian Goldberg abstained from voting.

Part of the new policy reads as follows: "...that intervention opportunities be provided for students both during and outside the student day, both mandatory and optional, depending upon the identified achievement gap." Asst. Supt. of Ed. Services Ilene Straus also said at the meeting that teachers would be trained to deliver interventions.

The implications for such an intervention program on the general education teacher range anywhere from uncertain to enormous. The gravity of the Board's action was underscored when Meshkaty said at the meeting that she wants to expand interventions to "all levels" of students, not just those who are failing.

BHEA President Chris Bushée took to the microphone after Coord. of Special Projects and Prof. Development Diane Mead presented the details of the proposal via PowerPoint. Bushée told the Board that BHEA was taken completely by surprise that this program was being submit-

ted for Board approval at this time, especially due to the fact that BHEA and BHUSD are in a legal tussle on this matter. He read a letter that BHEA sent to BHUSD in May of 2007 that demanded to bargain the impact and effects of this intervention matrix (*see related article on this page*). He said that this letter was twice ignored by our district, prompting BHEA to file legal action against BHUSD in July to compel our district to bargain this matter. The case is still winding its way through the courts.

At one point, the Board asked the administrative staff for clarification that the proposal they were about to vote on was different from the current litigation between BHEA and BHUSD on interventions. Straus said that it was different. Demeter indicated during the meeting the Board should rely on Straus' judgment.

BHEA believes that Straus answered this question incorrectly. Further, BHEA believes that this newly adopted intervention matrix is exactly what we demanded to bargain last year. Compare the two segments of text below.

#1. Here is the text from BHEA's July 2007 unfair labor practice charge that is the foundation of the litigation in question: "The District has failed and refused to negotiate the impact and effects of its proposed implementation of a Response to Intervention Program. On or about, April 17, 2007, Supt. Kari McVeigh informed BHEA President Chris Bushée that the District intended to implement a Response to Intervention (RTI) Program. On or about May 15, 2007, BHEA demanded to bargain 'the impact and effects' of RTI implementation. To date, the District has failed and refused to respond to the request."

#2. Here is the text from the proposal that the Board approved at their last meeting: "The Educational Services team met with principals to identify existing and needed tutorial options within and outside the school day, in alignment with Re-

sponse to Intervention guidelines (a 3-level approach to intervention, with increasingly more intervention support at each level, depending upon identified learning needs.)"

Note that both the legal action (#1) and the newly approved program (#2) specifically mention "Response to Intervention," which is a widely recognized program throughout California. In fact, CTA has hosted trainings for the BHEA leadership on the contract-related implications of this program.

BHEA will keep you posted on any new developments on this issue. BHEA believes that the potential for a large number of contract violations exists if our district insists on implementing this intervention program without first negotiating the issue at the bargaining table.

Text of BHEA's 'Demand to Bargain' Letter on Interventions

Last spring, BHEA sent the following memo twice to BHUSD and never received a response. In July 2007, BHEA filed legal action against BHUSD in an effort to compel our district to negotiate this issue.

MEMO

To: Sal Gumina, BHUSD Assistant Superintendent of Human Resources
From: Christopher Bushée, BHEA Certificated President
Date: May 15, 2007

It has come to the attention of BHEA that the Beverly Hills Unified School District intends to implement Response to Intervention (RTI). BHEA respectfully demands to bargain the impact and effects of RTI implementation on items including, but not limited to:

- Compensation, Hours, Workload, Class Size/Caseload, Transfer and Reassignment, Evaluation, Professional Development, Curriculum.

BHEA is including curriculum because BHUSD's curricular choices have an immediate impact on our unit members' working conditions.

Long Board Meeting Addresses Several Topics

- **Permit policy dominates the agenda. Other business items include the budget, instructional philosophy, and interventions.**
- **Over 20 community members, including teachers, spoke or submitted cards on permit issue.**
- **Board votes 3-2 to allow permits to increase up to 20%, moving off a hard cap of 17% established only two weeks earlier.**
- **BHEA President delivers speech on economic uncertainty, remains neutral on permit issue.**

On Feb. 5, our Board of Education convened for a 4-hour meeting that dealt with many topics, not the least of which was our district's student permit policy. In the end, Board Pres. Myra Demeter, Board Vice-Pres. Nooshin Meshkaty, and Board member Myra Lurie voted to allow permits to fluctuate anywhere from 0 to 20%. Currently, 18% of our district's students are on a permit. Board members Steve Fenton and Brian Goldberg voted against the change. At their Jan. 23 study session, the Board, again on a 3-2 vote, approved a 17% cap. Their action on Feb. 5, however, appears to supersede their Jan. 23 vote.

The arguments on permit policy fell into a couple of categories: financial and philosophical.

The financial debate saw the current policy's supporters pointing to the revenue generated when the district issues permits. They also said that this revenue sustains programs, and that permits act as a buffer in bad economic times. Detractors said that alternative revenue sources could be sought, overhead could be trimmed, and also said that the size of our district may be too big if so much permit revenue is necessary to maintain solvency.

The philosophical debate was more emotional. Permit supporters shared stories of how students on permit increase the diversity, the quality, and the achievement of our schools. Permit detractors talked about the sacrifices that many families made just to be able to buy or rent a residence in the city of Beverly Hills so their kids could attend BHUSD...only to see families who did not make this same sacrifice obtain permits. They also took issue not so much with the issuance of permits, but the size of the current permit program.

Meshkaty said our district needs a

deeper, more serious discussion on what size our community wants BHUSD to be. She said our district needs to protect teachers' jobs, even if it means increasing the number of permits.

Lurie urged a cautious approach, saying that changes to permit policy would have an effect on staffing for years to come. She said other districts may begin retaining their own students to keep from losing revenue despite any changes made here in BH. She said it would be "irresponsible" to forgo permit income before replacing it with new, reliable revenue. Impromptu, she directly asked BHEA Pres. Chris Bushée to state BHEA's position on permits, noting that BHEA was active in last year's school board election where permit policy was a campaign issue. Bushée walked up to the microphone and offered this response: "BHEA's official position is that we have no official position on permit policy. Teachers do not see kids as either permit or non-permit students. We accept whomever walks into our classrooms. It's not up to BHEA to determine the composition of students that the BH community wants. There were other issues in the campaign that led BHEA to support Mr. Fenton and Mr. Goldberg, not the least of which is our district's either inability or unwillingness to include teachers in decision-making on curricular and other issues."

Goldberg said that our district needs to be "on the clock" when it comes to dealing with the permit issue. He said he fears that this issue will get "sidelined" because of the current economic climate. He said that there is plenty of time, 18 months, to have a community conversation about what the "right" size of BHUSD should be before our district would realize any loss of revenue due to permit reductions. He said that he believes that natural attrition of staff (no layoffs) would allow the number of permits to be reduced gradually over time. He also asked to look at the number of administrators in our district.

Fenton said that BHUSD needs the support of the community when it comes to renewing the Joint Power Agreement (~\$9 million of local revenue) or supporting a future bond measure. He called for a "symbolic" decrease from 18 to 15% in permits.

Although there was disagreement on permit policy on many points, there was wide agreement from the Board members as well as the community members who

spoke that: 1) No students who currently have a permit should have their permit revoked if the Board were to decrease the number of permits; such a reduction would come from reducing the number of new permits issued. 2) Kids of school district and city employees would continue to have permits. 3) The diversity program currently serving 167 students would continue. 4) Students on permit should be treated the same as resident students.

Demeter disagreed with one of Goldberg's points, saying that she believed that if the district were to reduce permits to a 15% level, that this would require BHUSD to "disenroll" current permit students.

Other highlights:

- ER teacher Daryn Herman was recognized for outstanding service.
- Community member Michael Libow was recognized for donating \$30,000 to our district.
- Bushée delivered a speech addressing the economic uncertainty gripping California, attrition versus layoffs, and new revenue streams. His speech is available at: <http://bhea.org/News.htm>.
- Asst. Supt. of Business Services Cheryl Plotkin presented an overall summary of the economic situation in Sacramento. She talked about the education cuts that Gov. Arnold Schwarzenegger has proposed.
- Dir. of Curriculum Brian Tash talked about "learning-centered" instruction, a blend of teacher-centered and student-centered instruction. Fenton asked if our district's teaching staff had been polled to find out if they support what Mr. Tash was presenting. The administration said "no." Asst. Supt. of Ed. Services stepped in and said that learning-centered instruction is meant to "broaden the repertoire" of teaching strategies. Demeter said that BHUSD has faith in our teachers' ability to make the right determinations as to which instructional practices they need to employ given the specific learning situation. Meshkaty said that higher-level classes can work well with teacher-centered instruction, but that some teachers just continue using this method even when students are "yawning" and not engaged. She cited her classroom visits as evidence that this is occurring. Lurie said that "active engagement" is good so that students "enjoy learning."
- The Board passed on a 3-0 vote a new intervention matrix. Please see Page 1 of this *Consensus* for an in-depth article.)