



# BEVERLY HILLS EDUCATION ASSOCIATION

*Educational Employees Working Together*

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## CONSENSUS

A Newsletter for BHEA Members

January 13, 2009



### Permit Issue Draws Big Crowd to Dec. 17 Board of Education Study Session

- **Middle school is one focus of possible configuration changes if enrollment declines.**

Approximately 50 people gathered at the Dec. 17 Board of Education meeting to watch and give comments on possible policy changes related to student permits. Here are the highlights:

- BHEA Pres. Chris Bushée said it is heartening to have heard Board of Ed. members say recently in public that they support continuation of permits for children of district employees. He said that BHEA members are in a heightened state of concern about potential changes to permit policy under basic aid funding because the district may seek to maximize per-pupil spending by reducing the number of students on permit. He said that the Joint Powers Agreement between the City of BH and BHUSD contractually guarantees that children of City employees receive permits. He said that district employees should be afforded no less protection. He said that he hopes that exploration of similar contractual protections for BHEA members' children would be warmly received by our district administration. With regard to involuntary intra-district student transfers, Bushée said BHEA advocates for the best interests of the students we serve. He said that BHUSD should not make transfer decisions based on a student's permit status, but rather based on the best interests of the student's education. He said that if involuntary transfers must occur, the district should explore other criteria upon which to base their decisions. He offered as an example using the length of time a student has been enrolled at a school...the longer the student's tenure...the less chance the student has of being transferred. He also

advocated limiting the number of involuntary transfers to one for the student's entire K-8 education in BHUSD.

- A parent of a child on permit said he contributes a lot to HAW and asked for fair treatment. A community member asked that current students on permit enrolled in BHUSD be allowed to matriculate all the way through 12th grade. A parent spoke against the non-renewal of permits once current students on permit reach either 5th or 8th grade. A parent said that the "best interests of children" are paramount and said he was told "explicitly" by the administration that his child's permit status was safe for future years unless the child became disruptive.
- BV teacher Judith Chan advocated for a "tenure" status for students on permit who have attended the same K-8 after a period of time. A student on permit said he's worried that his permit might go away. He said that he does not believe that 8th grade is a "natural breaking point" in his education. PTA Council Co-Pres. Nadine Neiman asked about the long-term vision for what our school configuration will be in coming years and asked that the district be proactive in this regard. Parent Mark Foreman said that the basic aid issue is complex and that "all students" contribute to our schools.
- Supt. Jerry Gross said that projecting enrollment is an "inexact science." He said he supports a "robust" middle school program. He said a "perfect storm" is brewing in Sacramento regarding the state budget...with big education cuts looming. He said that basic aid funding has been on the chopping block for years in Sacramento.
- Asst. Supt. of Business Services Cheryl Plotkin said the most current enrollment projections show an increase from 5,161 in 2009-2010 to 5,422 in 2015-2016 with about 17% of these students

on permit. If no new opportunity permits were issued starting in 09-10, then enrollment would stay flat at 4,872 from 09-10 to 11-12, rising thereafter. Interim Dir. of Pupil Services John Schmitt said that elimination of opportunity permits would make maintaining our current middle school configuration a challenge.

- Board member Myra Demeter said that lower middle school enrollment could result in a single middle school. Board member Brian Goldberg talked about private school students returning to BHUSD not only in 9th grade, but also in 6th grade. Schmitt said that L.A. County told him that parents can appeal the denial of a permit on two grounds: 1) Is there room in the district for the student? 2) Is there merit for the denial? He said that the County is sympathetic to school choice for parents.
- Board Pres. Nooshin Meshkaty asked what the cost is to the district of defending itself on appeals to the County. Schmitt said the district has the right to stop issuing opportunity permits...but should be concerned about any discriminatory impact.
- It was reported that a SELPA agreement allows special education students living in BH, Culver City, and Santa Monica to attend whichever district best meets their educational needs.
- Board Vice-Pres. Myra Lurie asked for better timelines for the student enrollment process. She asked to explore the student "tenure" option. She asked to explore a maximum transfer limit of one. She said the permit program is valuable and that students on permit contribute to our district. She said that the small 5th grade at BV this year will have an impact on staffing in future years. She said she does not support revoking any permits currently issued

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but said that if our district is moving toward basic aid then it makes sense to reduce the number of new permits issued. She offered the idea of issuing special 3-year middle school permits to help beef up middle school enrollment.

- Demeter said that permits are “enmeshed” in the issues of enrollment and basic aid. She said the driving question should be “What do we want our kids to learn?” She said that there is “no windfall” to entering basic aid. She asked “what’s the best configuration” for our schools, heterogeneous versus homogeneous groupings? She said that there is no consensus on this question according to educational research. She said that there is “great opportunity” with a single middle school. She spoke in favor of continuing permits for children of BHUSD employees.
- Goldberg said that since basic aid funding comes from local BH property taxes—not the state—such funds should not be used to pay for opportunity permits. He asked the Board to make “economically sound decisions.” He said that students are adaptable to change. He said we should focus on “parity” of student education from site to site. As an example, he said that students could be moved among K-8 sites to make classes of roughly the same size in the interest of equity. He pointed out that our permit contracts say that they must be renewed annually. He said he supports permits for children of BHUSD employees. He said that, under basic aid, lowering enrollment will free up money for classrooms. He does not advocate involuntarily moving students more than once. He said, hypothetically, another option is to ramp up permits to avoid getting into basic aid funding.
- Meshkaty asked to look into guaranteeing permits for children of BHUSD employees as a matter of policy. Goldberg asked to look at Bushée’s suggestion of contractualizing permit guarantees for children of BHUSD employees...saying that a “mutual interest” between BHEA and the district may exist on this front.
- Lurie said that “all roads lead to reconfiguration” unless there is a surge in resident enrollment. She said that the poor economy makes things problematic.
- Asst. Supt. of Educational Services Ilene Straus read from an old 1986 Board policy—no longer in force—that after 2 years and 10 days, a student cannot be involuntarily transferred from one K-8 site to another.

## Where Did El Rodeo’s Special Day Students End Up?

Over the summer, our district closed the special day program at El Rodeo...citing low student enrollment. Special day classes (SDC) are part of the special education program. SDC classes serve the more severe students, while the resource program (RSP) serves the less severe students. On Dec. 8, Interim Coordinator of Special Education MaryAnn Archbold provided BHEA with the following information:

- Of the 16 students in ER’s SDC program last year, 9 moved to either HAW’s or HM’s SDC program. The other seven students moved to ER’s RSP program. The district reports that 6 of these 7 students are “doing well” in RSP, while the seventh student is being considered for placement back into SDC.

## Article IV, Hours: Know Your Rights

Article IV of the certificated contract deals with hours of employment. Here are some basic facts:

- “The basic daily assignment, on site, of all unit members shall be 7 1/2 hours...” This covers both general education and special education classroom teachers, counselors, psychologists, librarians, program specialists, nurses, and speech/language specialists. For example, a typical workday may start at 7:45 a.m. and end at 3:15 p.m. However, other start/end time combinations are allowable...as long as the total length is 7.5 hours.
- “...Bargaining unit members shall be provided at least a 40-minute duty free lunch period...” This means that you are free to take care of personal business during this time. You are not obligated to perform your contracted duties during lunch.
- “Each unit member shall be assigned at least five (5) full-time periods per week of uninterrupted preparation time.” This amounts to 250 minutes per week. Uninterrupted preparation time means time to evaluate student work, prepare lessons, get through paperwork, etc... You are not obligated to attend meetings during this time or to perform other duties not related to the preparation of curriculum for your classes.
- As a special education teacher, you have many unique rights. For example, you may request release time from teaching duties in order to deal with the great deal of paperwork associated with special education. Also, depending on the grade level, you are entitled to extra preparation/conference time beyond the 250 minutes/week cited above.

BHEA suggests that you spend some time reading through Article IV of the contract. Know your rights. If you have any questions, do not hesitate to contact BHEA.

## CTA Sponsoring a School Funding Initiative

- **Would generate \$5 to \$6 billion per year of new revenue for public schools via a 1 percent sales tax increase.**
- **Initiative may qualify for a June 2009 special election.**

The California Teachers Association is sponsoring a statewide initiative called the Public School Investment and Accountability Act. This initiative would generate new revenue for schools by increasing the California sales tax rate. Specifically, the initiative—which could go to ballot as early as June 2009—would create \$5 to \$6 billion of new revenue for public schools by increasing the sales tax rate by 1 percent.

CTA feels it needs to act because politicians in Sacramento have remained paralyzed for months as they grapple with a state budget deficit that is projected to grow to over \$40 billion by the summer of 2010. Also, the politicians have been openly floating proposals to severely cut into the education budget...despite the fact that California ranks 47th nationwide in per-pupil funding.

CTA asks that you support this initiative to help stave off cuts to education that threaten our jobs and the quality of our students’ education. Signature-gathering for the initiative is going on right now...and CTA asks that you sign your name in support of putting this initiative on the ballot.

## IMPORTANT DATES

- Jan. 13: Board of Ed. mtg.
- Jan. 15: Rep. Council mtg., Room 118, HS, 4:15 p.m.
- Jan. 20: Certificated bargaining.
- Jan. 26: Board of Ed. study session.
- Jan. 27: Board of Ed. mtg.