



# BEVERLY HILLS EDUCATION ASSOCIATION

*Educational Employees Working Together*

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## CONSENSUS

A Newsletter for BHEA Members

February 13, 2009



### Budget Study Session Answers Many Questions

- **No layoffs planned by BHUSD...unless the worst-case scenario out of Sacramento gets even worse.**
- **District feels confident about its ability to ride out the current economic downturn.**

On Feb. 3, our Board of Education held a study session on the district budget. Highlights:

- The total accumulation of cuts to state education funding could amount to 16% if all of Gov. Arnold Schwarzenegger's proposals are adopted by the legislature.
- Pointing to graphs of expenditures during her presentation, Asst. Supt. of Business Services Cheryl Plotkin said that the district's biggest expenditure is on "teachers' salaries." In response to a question later in the meeting by BHEA Pres. Chris Bushée, Plotkin said that her references to teachers' salaries on the graphs also included salaries for certificated administrators.
- Plotkin talked about the "special capital reserve" to be used for technology and artificial turf maintenance. She said that BHUSD is currently projected to enter into basic aid funding in 2010-2011. She said that enrollment projections for 2009-2010 are still being worked on.
- Plotkin said that the district can remain solvent by making approximately \$3 million of cuts between now and 2010-2011 by: 1) using \$1 million of one-time Joint Powers Agreement money; 2) using some of the reserved money for computers; 3) reducing turf replacement expenditures; and 4) reducing deferred maintenance costs. Bushée said that he commended the district for finding areas to cut away from the classroom for this round of cuts. He recalled that last year the Board issued many layoff notices and that employees bore the brunt of many of the cuts last year.
- There was some discussion among Board members on the shifting of turf funds for other purposes and on which resources to use to deal with creosote contamination at Horace Mann.
- Plotkin said that of the \$3 million in cuts made last year, about \$1.9 million of these cuts were eventually reversed. This resulted in the reopening of employee positions that had originally been designated for elimination.
- Plotkin said that the district's budget projections assume a decline in student enrollment of 100 for 2009-2010 and another decline of 100 in 2010-2011, resulting in a total of 10 fewer teaching positions over the next two years. Bushée asked if the district was confident that this projected attrition of teachers would happen "in the right areas" through "retirements and resignations." Plotkin said she was hopeful and added that the "non-reelection" process also trims staff.
- Plotkin said that the encroachment on the district budget to

participate in the state's class size reduction program is about \$230,000 per year because California does not fully fund this program. Board member Myra Demeter said that "research" shows that CSR is not particularly successful in terms of improving student learning. Both Supt. Jerry Gross and Board Pres. Nooshin Meshkaty defended CSR, with Meshkaty saying that our low class sizes help us recruit students who might otherwise choose to go to private schools. Bushée asked Demeter if she could provide him with copies of the research that support her views, to which Demeter responded that she does not keep copies of all of the research that she reads. (The next day, Demeter sent BHEA copies of research supporting her views. Shortly thereafter, BHEA shared with Demeter references to research that supports CSR.)

- Board member Brian Goldberg talked about the possibility of needing to downgrade one or more of the assistant superintendent positions and cutting other district office personnel if our district becomes smaller due to enrollment declines.
- Board member Myra Lurie suggesting looking at getting rid of stipends for extra work performed by BHEA unit members as a way to save money. Bushée responded by saying that the district has the right to "vacate" stipend positions that go above and beyond full-time duties of employees. He added that the work for those positions would then fall on administrators to perform...and that the Board would likely "hear from" the administration if their workload increased. He also said that stipend positions allow the schools to operate in a smooth and well-run manner.
- Meshkaty asked to look costs associated with the custodial department.
- Demeter asked about the possibility of offering an early retirement incentive. Plotkin said that it is not advisable to offer these incentives more than once every three years. (BHUSD last offered this incentive during the spring of 2008.)
- Goldberg proposed reducing the reserve for economic uncertainty, currently at 4% in our district, to 1.5% for the next two years to put some more money back in the classrooms.
- Demeter suggested conserving electricity by turning off lights when not needed. Bushée added that the district may want to explore putting more interior lights on timers that automatically turn off after a period of time.

During a Feb. 13 meeting between BHEA and BHUSD, the district administration informed BHEA that if the budget situation in Sacramento turns out to be worse than what has been reported thus far as a "worst-case scenario," then the district may have to reevaluate its decision to not issue layoff notices. BHEA will keep our members informed as new information becomes available.

## **BHEA to Take Close Look at Non-Reelection Process Affecting Probationary Members**

- **Non-re-election and layoff procedures are different. BHEA will work hard to make sure that affected members' rights are safeguarded.**

Every year, the site administrators of our five schools give the district office their recommendations regarding the non-re-election of probationary employees. Probationary employees are certificated unit members in either their first or second year in BHUSD. The non-re-election process is distinct and different from the layoff process. At this point in time, the district is not recommending that any BHEA members be laid off but is projecting that there will be five fewer teaching positions in 2009-2010 as compared to this year. Additionally, the Human Resources department has informed BHEA that there will be several notices of non-re-election for our unit members.

Generally speaking, an employee who is being laid off has more rights than one who is being non-re-elected. A member who receives a layoff notice is not being terminated for lack of performance, but rather because the district chooses to no longer fund the position. Members who receive layoff notices may challenge their dismissal in a court proceeding. Last April, BHEA defended over two dozen members who exercised their right to a legal hearing. Ultimately, the district followed through on only 10 layoffs.

Members who are non-re-elected are generally not entitled to due process under the law to challenge their dismissals and are therefore in a much weaker position. It is incumbent upon our district administration to avoid using the non-re-election process as a way to circumvent the layoff process. BHEA has no reason to believe that such a circumvention will occur and has faith that our district will use the non-re-election process lawfully. Given the poor budget circumstances reported elsewhere in this newsletter, BHEA will be analyzing all non-re-election decisions to ensure that our probationary members' rights are being upheld.

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## **Détente Between BHUSD and BHEA Begins with Meeting Between Union Directors and Superintendent**

Two years of often strained relations between our union and the district administration began to ease on Feb. 11 as a 4-member team of BHEA's Executive Board met with Supt. Jerry Gross, hired in Nov. 2008 to replace former superintendent Kari McVeigh. The 90-minute meeting touched on several subjects, including management style, curricular decision-making, employee morale, and turnover of staff. BHEA representatives present at the meeting were Pres. Chris Bushée, Treas. Stewart Horowitz, HS Dir. John Borsum, and K-5 Dir. Elaine Palazzo. Parties agreed to build on positive momentum and meet again in the coming weeks to focus on the topic of communication between BHEA and the district, particularly as it pertains to curricular matters. Gross will bring additional representatives of his administration to the next meeting to facilitate direct dialog on issues of importance to both parties.

## **Summary of Jan. 15 and Feb. 12 BHEA Rep. Council Meetings**

### January 15:

- Appointed IA Pres. Linda Omansky to the Facilities Advisory Committee.
- Reported that the district continues to contract out IA work to a private agency called Holding Hands. The district claims that our IAs are not qualified to provide the assistant services the district needs. BHEA disputes the district's contention.
- Reported that OTBS is negotiating with the district on "clean-up" language on six items in their contract.
- Reported that the district has begun work on Measure E facilities projects.
- Reported that the potential for "configuration" changes at HM as a result of Measure E construction projects is causing concern.
- Reported that the HS ROP program worked with the HS counseling department to update curricular pathways for ROP students in such a way that does not supplant BHEA unit member work. (ROP instructors are not BHEA unit members.)
- Reported that BHEA continues to communicate to the administration our unit members' concerns with the elimination of developmental courses and the relaxing of entrance requirements into Honors and AP programs.
- Reported that the BH *Weekly* recently reported that the district paid \$10,000 to a private contractor named Rita Flynn to serve as a coach to our principals.

### February 12:

- Reported that the HS administration has not yet decided on how to implement the new Beverly Seminar course, a new graduation requirement for incoming freshmen next school year. Concerns surrounding how the HS elective program may be adversely affected by

this new course have prompted discussions with the HS staff on creation of a possible advisory period.

- Conducted a first reading of a proposed change to the BHEA bylaws that would better define how directors are elected and also make director representation on the Executive Board more proportional to the member population.
- Reported that the Facilities Advisory Committee has been evaluating architectural firms that hope to be selected to work on Measure E construction projects. Reported that the HS architecture teacher was part of the evaluation panel.
- Reported that that site-based facilities committees at the four K-8 sites have each met at least once this school year. Reported that the HS facilities committee has not yet met. Reported that the HAW committee has made progress after two meetings. Reported that the HM committee has not made much progress after two meetings, albeit with a lot of discussion.
- Reported that the HS is looking at creation of policies to manage students who are earning either Ds or Fs in Honors and AP courses, partly as a result of increased enrollment due to "open access."
- Reported that the district had not yet issued back pay to HM intervention teachers as of Feb. 12...despite the fact that BHEA and BHUSD signed an MOU on Dec. 9 that promised that this back pay would be issued by Feb. 1. BHEA will take up this matter with the district at the bargaining table on Feb. 17.
- Reported that interviews for the high school assistant principal vacancy will occur on Feb. 13. Reported that a new round of interviews to fill the Dir. of Special Ed. vacancy will occur next week.
- Reported that one IA member was recently hired into a position formerly occupied by an employee from the private agency Holding Hands.