



BEVERLY HILLS EDUCATION ASSOCIATION

Educational Employees Working Together

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CONSENSUS

A Newsletter for BHEA Members
March 11, 2009



District Balances Budget Amid Sea of Uncertainty

At the Mar. 10 Board of Education meeting, the Board approved a 2nd interim balanced budget through 2010-2011. However, many variables could still affect both revenues and expenditures. Any of the below changes would require the district to revise their budget accordingly.

How Revenues Could Still Change:

- If both statewide Propositions 1A and 1B pass on May 19, additional revenue will start flowing into the district starting in the 2011-2012 school year.
- If and/or when BHUSD becomes a basic aid district, we will receive more revenue as compared to our current status as a revenue-limit district.
- As our total student enrollment changes, so does our state revenue until such time that we become a basic aid district. Currently, we should receive \$6,770 of state revenue per student enrolled, but this is adjusted downward due to student absences and failure of the state to fully fund this obligation. Our district's budget is affected by the level of accuracy or inaccuracy of enrollment projections. Since 17-18% of our students attend BHUSD on inter-district permits, future changes to permit policy could affect revenue. The Board just went through months of discussion on inter-district permit policy...but ended up voting on Mar. 10 to make only minor revisions that are unlikely to have a major affect on the budget at this time.
- The federal stimulus package recently approved by Congress will provide additional revenue, but the amount and the delivery date of this revenue is unknown at this time.

How Expenditures Could Still Change:

- Changes in enrollment may affect the number of staff members employed by our district, and thus change the amount of money spent on salaries, benefits, and school supplies. The 2nd interim budget projects a drop of 100 students going into 2009-2010 and another drop of 100 students going into 2010-2011. The district is planning to reduce the number of classroom teachers by 5 going into 09-10 and by another 5 going into 10-11. Higher than expected enrollment would allow the district to cancel some of these planned cuts to classroom teachers. Lower than expected enrollment would put pressure on the district to cut not only more teaching positions, but also administrative positions.
- If and/or when we enter basic aid, expenditure changes that could occur include: 1) increased allocation of money toward salaries and benefits to attract and retain quality staff and 2) hiring more staff to either lower student-to-teacher ratios and/or offer more elective programs.

On Mar. 6, hired consultant Bob Blattner told the Board that if Propositions 1A and 1B pass on May 19, it is likely that BHUSD's entry into basic aid status will be pushed back by several years. In response to a question posed by BHEA Pres. Chris Bushée, Blattner said that basic aid determination is made by comparing local property tax revenue to state money *actually* received by a school district, as opposed to state money owed to the district. He also said that due to fixed costs, revenue-limit districts typically save about 70 cents on the dollar by reducing students and staff in an effort to reduce costs. He said that districts that are "deep" into basic aid (i.e. big difference between state funding and local property tax funding) typically have very robust educational programs.

District To Issue Four Layoff Notices to BHEA Members

BHEA has confirmed that BHUSD will issue layoff notices this week to four of our certificated members. Last month, our district said it was hopeful that it could avoid issuing layoff notices this year. However, the administration recently re-evaluated its personnel options and decided to move forward with layoffs.

BHEA expressed its disappointment with this decision. BHEA Pres. Chris Bushée told Supt. Jerry Gross that he believed that comments made by the district administration last month took the layoff option off the table. Specifically, Bushée pointed to a Feb. 13 meeting he held with the administration whereby BHUSD told BHEA that our district had prepared for the worst-case state budget that was, at the time, being debated in Sacramento and not yet final. When state lawmakers finally approved the budget in late February, it actually turned out to be a little bit better than the worst-case scenario. BHEA was therefore surprised to discover that the administration planned to recommend to the Board the elimination of 2.6 full-time-equivalent positions in the areas of high school and middle school physical education and teacher on special assignment. Due primarily to bumping rights, this affected four of our unit members. At the Mar. 6 Board meeting, Bushée spoke out against the issuance of layoff notices again this year, reminding the Board that last year the district issued three dozen layoff notices to our members but only eliminated one part-time administrator. (Of the 38 notices issued last year, the district acted on only 10...and has since rehired most, if not all of those still willing to return.) Bushée said that this year, the administration did not recommend any reductions in the number of administrators working in BHUSD. He said that issuance of layoff notices that may ultimately be rescinded can cause our district to lose good teachers who may accept employment elsewhere while in limbo here in BHUSD. He said that the district decided last year to add P.E. staff at the middle school level to reduce the student-to-teacher ratio, but is now reversing course by eliminating a part-time K-8 P.E. position. He concluded by saying that the impact to students is most severe when teachers are cut and urged the Board to look elsewhere in the budget to reduce expenditures. The Board nonetheless voted

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4-0 to accept the administration's recommendation to eliminate these positions. Board member Steven Fenton abstained, saying he was not convinced that he had enough information to render a decision. Board member Brian Goldberg said that, although he was voting to give the administration latitude with regard to staffing, he has not yet decided if he will vote to approve the actual layoffs. (Layoffs are a two-step process. The notices issued in March inform the affected employees that the district *may* let them go at the end of the school year, but the Board must vote again before May 15 to actually follow through on the layoffs and legally sever employment.) On more than one occasion in the past, Goldberg has made public comments questioning the district's decision to continue to employ the number of administrators that we have on staff. At the Mar. 10 Board meeting, Goldberg asked Asst. Supt. of Business Services Cheryl Plotkin if any cuts to administrators, either at the site or district office level, are being contemplated...given the fact that 10 teaching positions are slated for elimination between now and 2010-2011. Plotkin said "maybe." Gross added that over the next few months his administration will be looking into the possibility of making cuts at the district office. Board member Myra Lurie, on the other hand, said that the loss of 100 students doesn't give the district the ability to reduce fixed "administrative" costs.

BHEA is here to assist any member who receives a layoff notice. As a BHEA member, you will receive the assistance of CTA's legal counsel in the event you receive a notice. By law, you are entitled to request a hearing to compel the district to prove in front of an administrative law judge why you were selected for a layoff.

The time period between March 15 and May 15 can be very stressful for affected members. If you receive a layoff notice, please contact BHEA for assistance and guidance so that all of your rights can be safeguarded.

BHEA To File Wage Claim Against BHUSD

- **BHEA moves to involve a state oversight agency after district falls six weeks behind in complying with an MOU. BHEA files grievance, too.**

As of Mar. 11, five BHEA members have not received compensation promised to them in a memorandum of understanding signed on Dec. 9 between BHEA and BHUSD. The MOU is online at BHEA's website at: <http://bhea.org/MOU.htm>. The MOU stipulates that retroactive pay should have been issued to affected members no later than Feb. 1. Although BHEA is sympathetic to the problems that our district has encountered in its effort to comply with this MOU, we have a duty to protect our members' interests. This week, BHEA will mail completed "wage claim" forms to the California Department of Industrial Relations. This agency has the authority to require employers to pay employees agreed-upon compensation for work performed in good faith.

Also, on Mar. 6, BHEA moved a grievance on this matter to Step 2. The grievance requests a two-part remedy:

- Immediate issuance of compensation to all members.
- The issuance of letters of apology to all members covered by this MOU who did not receive compensation by Feb. 1.

Board Approves Only Minor Revisions to Permit Policy

- **Hopes and fears of major changes to permit policy not realized after months of often vigorous public debate.**

The months-long debate on BHUSD permit policy came to an anti-climactic ending on Mar. 10 as the Board of Education approved relatively minor changes to our inter-district permit policy. Families currently holding "opportunity" permits were neither removed from the district nor grandfathered in with permanency. The Board simply decided to carry on with business as usual, agreeing to require current permit holders to seek renewal on an annual basis. Although the Board voted to continue its policy on paper of reserving the right to deny renewal of a permit based on "lack of space," in practice the district has rarely exercised this right as long as students holding the permits behave well and make academic progress.

Much of what gave the Board pause in making sweeping changes to permit policy is the lingering uncertainty with regard to future district revenue. Questions on when or if BHUSD will reach basic aid status, the national economic downturn, and the pending May 19 special election on education funding combined to put the brakes on policy changes that would lock the district into a particular pattern of expenditure obligations. In fact, the work "flexibility" was used repeatedly by Board members at the Mar. 10 Board meeting to justify a wait-and-see approach to permit policy changes.

The most significant change to inter-district permit policy was the insertion in an administrative regulation of a priority order for involuntary displacement of students on permit. At the beginning of this school year, one particular case garnered attention. A BHEA unit member's child was involuntarily transferred from one K-8 site to another to make room for the child of a resident who wanted to attend the affected unit member's child's school. The unit member's child had attended the same K-8 site for four years before being "bumped." The district said it went through all other options before displacing our unit member's child. Now, the priority order for displacement is clearly spelled out in the revised administrative regulation. It says, "The last students to be moved would be the children of district employees."

BHEA Pres. Chris Bushée spoke at several Board meetings in defense of the interests of our members who have children enrolled in BHUSD. At the Feb. 24 Board meeting, Bushée said, "From an educational standpoint, I take issue with the district bumping all students on permits before resident students. Permit students are either full-fledged members of the school community...or they're not. Displacement from one school site to another is not just a financial issue...it's also an educational issue. If displacement must occur, then a student's permit status should not come into play. A fairer system would be a 'last in, first out' policy that takes into account that students who have years-long relationships at a particular K-8 site would be more protected from displacement than a student who just arrived to the school...regardless of permit status." BHEA is disappointed that the Board approved a policy revision on Mar. 10 that still puts the educational welfare of students on permit below that of resident students.

BHEA hopes to achieve more solid protections against bumping of our members' children at the negotiating table, where BHUSD has agreed to bargain the matter of permit status with BHEA as a benefit of employment. BHEA will keep members updated on any progress made on this front.

"PINK FRIDAY"

Wear Pink This **Friday, March 13.**
Stand in Solidarity with Your Colleagues
To Draw Attention to the Over
20,000 Pink Slips Issued So Far This
Year to California Educators.