



BEVERLY HILLS EDUCATION ASSOCIATION

Educational Employees Working Together

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CONSENSUS

A Newsletter for BHEA Members

October 5, 2009



A New Bargaining Year Begins With Class Size, Hours As Top Language Issues for BHEA Members

• Salary is #1 money issue.

Sep. 29 was the first official bargaining session for 2009-2010 for BHEA's certificated unit. On Oct. 2, BHEA and BHUSD jointly issued a communication summarizing events at the Sep. 29 meeting. Parties will formally negotiate several articles of the contract this year, including salaries and benefits. The results of a BHEA bargaining survey combined with input from BHEA's elected representatives established the class size and hours articles as the highest priority language items. On the money side of the house, salaries is the number one priority, followed by benefits, and then extra pay.

Transfers, leaves, and safety articles were also indicated by some members as priorities. As time permits during this bargaining year, these articles may still be addressed.

Additionally, BHUSD has an interest in negotiating the evaluation and parent complaints articles this year.

BHEA will soon poll its members, either through our site representatives or on paper, in order to ascertain the exact areas of the salaries, benefits, extra pay, class size, and hours articles that we wish to negotiate.

There are some areas of the class size article that will continue to be negotiated from last school year. In 2008-2009, after a July round of summer bargaining, BHEA and BHUSD agreed to several changes to K-3, middle school, and high school language, but some items still need work. For example, there is currently ambiguity about the interpretation of middle school electives for purposes of determining proportional teacher allotment ratios. Also, K-8 specialists, such as P.E., art, music, and technology teachers, continue to be undefined in the current language. Finally, special education providers, such as special day teachers, psychologists, and speech and hearing pathologists, continue without limits to their caseloads.

In the hours article, BHEA will address perennial issues related to part-time teachers. As part of a separate settlement agreement between BHEA and BHUSD, a job-share committee will be established this school year to look at part-time issues. Also, unit members who must travel between different school sites during the day because of a split assignment has arisen as an issue for our members and may be addressed as well.

The salary issue will likely be viewed by many BHEA members through a prism of comparison to comparable districts. Conversion of our district to a basic aid revenue stream will add pressure to address perceived inequities as basic aid will bring our district more revenue than in the past. BHUSD also enjoys the support of a multi-million joint powers agreement with the city of Beverly Hills, an agreement that should allow BHUSD to achieve a competitive edge in terms of salaries.

By most methods of comparison, the health and welfare benefits

Newspapers Critical of Board of Education President Disappear

BHEA received reports from members at multiple school sites that copies of the Sep. 24 edition of the Beverly Hills *Weekly* newspaper were not available in the school site offices where they are normally found. The Sep. 24 edition was not available at the district office either. The edition contained a front-page article critical of Board of Education Pres. Nooshin Meshkaty, who is running for a second term in the Nov. 3 school board election. By contrast, BHEA did not receive any reports of irregularities with the availability of the Sep. 25 edition of the other local newspaper, the Beverly Hills *Courier*, which included a letter to the editor from Meshkaty responding to the *Weekly* article about her the day before.

The disappearance of the newspapers quickly became a story as reports surfaced that Meshkaty herself removed copies in at least one location on BHUSD grounds on the morning of Sep. 24. Another report involved one or more BHUSD employees removing copies out of sympathy to Meshkaty.

The Sep. 24 edition of the *Weekly* ran a story that called into question Meshkaty's 32-year Beverly Hills residency claim on her campaign material and also for purposes of registering her daughter in BHUSD. The Sep. 24 edition published a copy of a 1994 eviction notice that Meshkaty received to vacate an apartment with a Los Angeles address while her daughter was simultaneously enrolled in BHUSD. The question that the article raised in readers' minds was: How could Meshkaty have registered her daughter in BHUSD if she was living in Los Angeles at a time when, according to the *Weekly*, "inter-district permits were rarely granted to non-residents?" Meshkaty's response in the *Courier* a day later asserted that she did, in fact, live outside of Beverly Hills for a "brief period" of time but that she and her children moved in with her mother in Beverly Hills when it came time to enroll her daughter in BHUSD while her husband maintained their Los Angeles residence.

On Sep. 30, BHEA Pres. Chris Bushee spoke with the district administration about the issue of censorship. He told the administration that, even though newspapers often print controversial articles, our district should adhere to the principles of free speech and not condone the behavior of others who wish to "play god" when it comes to deciding which stories are worthy of dissemination and which are not. Bushee said that censorship of protected speech is not a lesson we should teach our children.

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package offered by BHUSD is not particularly competitive. Currently, BHUSD pays the first \$7,000 of annual premiums that range from \$4,633 for the lowest cost employee-only medical HMO plus dental to \$31,014 for the highest cost family medical PPO plus dental. All plans offered that cover spouses and/or children exceed the \$7,000 district contribution and result in our members making pre-tax out-of-pocket payments to make up the difference. These out-of-pocket expenditures are often several hundred dollars per paycheck and even exceed one-thousand dollars per paycheck for members whose combined health/dental plans cost more than \$17,000 annually. BHUSD and BHEA sit on a joint insurance committee charged with investigating and seeking out medical and dental plans that balance quality of care with cost.

Extra pay issues that have been discussed at the bargaining table in the recent past but not finalized include: distribution and numbers of extra-curricular units, national board certification, defining the kinds of work that earn the certificated hourly rate of \$39.51 versus salaried rates of pay, coaching stipends, defining the kinds of work that earn responsibility factors.

Outstanding issues in all of the contract articles described above combined with our members current input will be synthesized by BHEA's Executive Board and our board will provide direction to the certificated negotiating team to ensure that our members' interests are being accurately pursued at the bargaining table.

Is Your Class Size, Composition Allowed By Contract?

• BHEA members have a limited amount of time to pursue remedies for contractual class size violations.

As we begin the first full week of October, BHEA advises all of its certificated members to make sure that class compositions fall within the parameters of Article VIII dealing with class size. Class size issues must be addressed soon in order to satisfy contractual timelines for remedies. Here is a rough guideline:

- K-3: no more than 22, including any and all special education students who join the class for a portion of the day.
- 4-5: no more than 29.
- 6-8: no more than 145 students throughout the day, excluding homeroom and study hall, for core departments.
- 9-12: no more than 145 students throughout the day for most departments. No more than 225 students for P.E. The counselor caseload guideline is 350 students.

For middle and high school, the allotment of 145 is adjusted proportionally for teachers who teach in multiple departments governed by different student-to-teacher ratios. No more than 28 special education resource students are allowed on a resource teacher's caseload per Education Code.

Although there is no definite maximum to any one particular class size, particularly at the middle and high school levels, the district must meet the test of reasonableness. The class size article states: "Both parties understand the value of reasonable class sizes. The principal shall make every effort to apportion class sizes, class assignments, and students equitably." From a practical standpoint, your individual classes should adhere to the following:

- Not excessively big. Class sizes must be apportioned equitably. For example, if one middle/high school section has 30 students but is offset by another with 28, this is probably reasonable. However, if one section has 35 but is offset by another with 23, there may be a contractual issue. If you're unsure, contact BHEA for assistance.
- Not excessively demanding. Class assignments must be apportioned equitably. For example, if the middle/high school class assignments you have received involve much more preparation time than your similarly situated colleagues, there may be a contractual issue. As reasonably as possible, similarly situated unit members should have class schedules within their departments or grade levels that are on par with their colleagues.
- Not excessively skewed demographically. Students must apportioned equitably. For example, if one 2nd grade class has 14 boys and 6 girls while other 2nd grade classes have relatively even numbers of boys and girls, there may be a contractual issue. If one high school English section has a high concentration of students who place greater time demands on the teacher due to 504 or special education status while other sections of the same class have lower concentrations, there may be a contractual issue.

BHEA stands ready to assist you if you have any questions regarding your class compositions. The details of Article VIII on class size can be found online at BHEA.org. Remember that potential class size violations must be dealt with as quickly as possible or else the timeline to address the problem may expire, so do not delay! Please contact BHEA with any questions.

Board of Education President Criticizes BHEA's Political Involvement

• BHEA President responds, says Meshkaty, who declined to be considered for BHEA's endorsement, applies a 'double standard.'

Board of Education Pres. Nooshin Meshkaty, a candidate in the Nov. 3 school board election, told the Beverly Hills *Courier* that it is "inappropriate" for BHEA to endorse candidates because the board and the union negotiate a contract, according to the newspaper's Sep. 25 edition. Referencing contract negotiations, Meshkaty said, "The implication is strong that if I pay them more, they will endorse

me." All candidates in the race sought BHEA's endorsement except Meshkaty.

BHEA Pres. Chris Bushee responded to Meshkaty's criticism in an open letter posted online at BHEA.org/News.htm. In the letter, Bushee points out that endorsements and negotiations are different, with the former involving support of general principles and the latter dealing with specific proposals. He then points out inconsistencies in Meshkaty's logic. When Beverly Hills City Council members accept the endorsements of the police and fire unions, this is considered appropriate. In fact, Meshkaty's own campaign chair, City Council member Barry Brucker, accepted and touted the police and fire unions' endorsements in his successful 2009 re-

election bid. Bushee also said that Meshkaty directly negotiates with the city council on the multi-million dollar joint powers agreement, a contract between the district and the city. Bushee said Meshkaty applies a 'double standard' when one considers that she accepted the endorsement of Brucker, an active city council member with whom she actively negotiates on matters dealing with the joint powers agreement.

BHEA has a legal right to endorse and support school board candidates. Decisions that board members make affect the quality of our schools and our members' working conditions. BHEA is stronger because of our political activity.