



CONSENSUS

A Newsletter for BHEA Members
December 1, 2009



Students Assault Two Teachers, One Physically

- **BHEA member warned a high school administrator hours before of planned unruliness. Administration says it didn't interpret warning as imminent threat to safety.**

Even though a high school administrator was given three hours of advance notice that trouble was brewing, two staff members were assaulted on Nov. 18 during Period 7 at Beverly Hills High School, according to a BHEA member who witnessed both assaults. A student during Period 7 verbally assaulted a substitute teacher with vulgar language. A different student in the same class physically attacked another teacher later that period, leaving small cuts, redness, and bruising on the teacher's forearm.

The teacher received medical attention and filed assault and battery charges against her attacker. BHEA is unaware if the student has been arrested by the police. As of today, the police have not gotten back to the teacher who was injured with any information, including whether or not the student has been arrested.

Period 7 began at approximately 2:00pm. At approximately 11:00am earlier that day, the instructional assistant assigned to the classroom spoke with a high school administrator and told this administrator that there was a substitute teacher for Period 7 and that a couple of students had specifically mentioned that other students were planning to misbehave during Period 7. The instructional assistant told the administrator that the plans were to flood the classroom with a garden hose and string toilet paper all over the classroom. The administrator told the instructional assistant that there would be an attempt to have an administrator come by the classroom during Period 7. The administrator also told the instructional assistant to call security to let them know. The instructional assistant called the security office twice and left messages on the answering machine both times. A security guard was not present when the verbal assault occurred but was present when the physical assault occurred. No administrator was present during either of the assaults.

The high school administration told BHEA that it does not recall receiving a warning of a specific, imminent threat to safety, but rather of a more general concern of unruliness.

Staff members at the high school have raised concerns to the administration in the past about student discipline and lack of consequences for inappropriate behavior.

CTA and BHUSD Have Different Interpretations of Instructional Minutes Law

In changing the high school student bell schedule over the summer, the administration consistently made the argument that Calif. Ed. Code 46201 requires BHUSD to ensure that all students in grades 9, 10, and 11 receive 64,800 instructional minutes annually based on a typical load of six classes or be subject to financial penalties for non-compliance. Seniors at the high school are only required to take five classes and do not receive 64,800 minutes. BHEA pointed this out to the district during the bell schedule discussions; the administration responded that a senior exemption was OK as long as 75% of the student body received 64,800 minutes.

On Nov. 18, BHEA received a legal opinion from CTA that contradicts the district's interpretation. CTA analyzed Ed. Code 46201 and related sections and concluded that the district must only offer 64,800 minutes in grades 9 through 12, but that these minutes do not have to be completed by every student. CTA believes that, for this reason, seniors may not be mandated to complete 64,800 minutes. CTA believes that the district is interpreting Ed. Code 46201 in an overly rigid fashion.

By way of example, if a parent wanted his or her child to take 64,800 minutes, the district must offer it. Fulfillment of such a request has historically been achieved by offering early morning and late afternoon classes to augment a typical load of six classes. At Beverly Hills High, these classes correspond to Period 1 and 8 offerings. However, the district is under no obligation to ensure that each and every student receive 64,800 minutes. Indeed, the district imposes no such requirement on seniors. CTA believes that Ed. Code 46201 imposes no such requirement on any student.

Starting this school year at the high school, the bell schedule is structured so that a student taking a typical six-period load receives 64,800 minutes and a student taking seven periods receives about 75,000 minutes. Three days per week have 51-minute periods and the two block schedule days have 114-minute periods. In years past, three days per week had 50- to 52-minute periods and the two block days had 92- to 95-minute periods. Students could achieve 64,800 minutes by taking seven classes under the old bell schedules. California Dept. of Education regulations count passing time between classes as instructional minutes.

BHEA and BHUSD will continue to discuss this issue in hopes of finding common ground to assist in future dialog on instructional minutes.

**JOIN BHEA MEMBERS IN ATTENDING THE
INSTALLATION OF NEWLY ELECTED
BOARD OF EDUCATION MEMBERS
LISA KORBATOV AND JAKE MANASTER.**

**MONDAY, DECEMBER 7 AT 6:00 P.M.
K. L. PETERS AUDITORIUM, BEVERLY HILLS HIGH**

DISTRICT-HOSTED RECEPTION TO FOLLOW.

Summary of Nov. 12 BHEA Representative Council Meeting

- Appointed Petrina Arth as a HM representative to fill a vacancy in that position.
- Approved changes to BHEA bylaws and standing rules to strengthen internal financial controls and organizational goals. Also approved changes to modify the term of office for BHEA Treasurer to commence on July 1 instead of February 1. The term is still two years.
- Reported that BHEA and the district are still attempting to reach a grievance settlement regarding the compensation of traveling teachers, with parties narrowing their differences. Reported that BHEA gave notice of intent to arbitrate a grievance related to the right of a teacher who had previously achieved permanent, full-time status to return to this full-time status from a part-time assignment that she voluntarily held. Reported that OTBS reached a grievance settlement recently.
- Reported that OTBS made progress at the bargaining table on language revisions. Reported that the IA bargaining team underwent interest-based bargaining training recently.
- Reported that IAs responded to a bargaining survey that included as priorities salaries, health-care coverage, and professional development. Additionally, IAs who service special education students would like a more integral role in understanding their students' disabilities to be better able to carry out their assignments. IAs would like the trainings they attend to be reflected in their salaries. IAs would like their own mailboxes in the school offices.
- Reported that the certificated bargaining team continued negotiating changes to the class size article to reflect teachers and other unit members who have not been recognized in this article in the past.
- Discussed the add-on authorization changes for special education teachers issued by the Commission on Teacher Credentialing. Reported that CTA is helping BHEA interpret the changes.
- Discussed concerns regarding the planning of staff meetings at the middle school level. Discussed the possibility of filling the K-8 specialist positions (BHEA unit member positions somewhat similar to high school department chair) that were vacated two years ago.
- Discussed the administration's claim of overstaffing and the fact that the administration is responsible for hiring and position control. Discussed that natural attrition, or closing of positions when staff voluntarily resigns or retires, is the preferred method of reducing overstaffing. Discussed that BHEA members should not argue that one educational program is more important than another because program means our members.
- Reported that there was a meeting on Oct. 30 between BHEA and the district where the 2010 middle school STAR testing schedule was discussed. Parties made progress on reducing the total number of days for testing and allowing for a greater percentage of the curriculum to be taught before testing...as compared to last year.
- Discussed concerns regarding the equity of balancing of classes, particularly the variations in the number of students in one class versus another.
- Reported that the BHEA election for all offices is coming up soon. The election will be held in January and new officers and representatives will begin 2-year terms on February 1 with the exception of the Presidents and Treasurer, whose 2-year terms begin on July 1.

Grade Change Investigation In Progress

A district-hired private investigator by the name of Geraldine Jaffe is in the process of interviewing BHUSD employees who may have knowledge about the incident reported in the Nov. 17 *Consensus* involving an unlawful grade change. Because the incident involves an active Board of Education member, the district hired Jaffe as an outside investigator rather than perform an in-house investigation. Six BHEA members are scheduled to speak with the investigator this week. Jaffe is also speaking with administrators as she collects information.

As was reported two weeks ago, a student's grade from the second semester of 08-09 was changed at the direction of administration from a 'D' to an 'I.' The administration never informed the teacher who issued the grade that the grade had been changed. The teacher never gave consent to allow the grade to be changed. Upon discovery of the grade change, the administration changed the grade back to a 'D.' A Board member had pressured the probationary teacher on the kind of grade to give to the student whose grade was changed.

BHEA and BHUSD are cooperating with each other and both parties hope for a swift conclusion to Jaffe's investigation. The original target date of Dec. 1 for conclusion of the investigation will be pushed back due to the timetable for scheduling of interviews. BHEA members will have CTA legal representation during all interviews with Jaffe.

Highlights of Board of Education Meetings

Sept. 22: Several speakers addressed the Board on Measure E construction projects and accountability of the bond money. Board discussed how to proceed with spending in wake of lawsuits with former contractor. Reported an overall increase in BHUSD state test results, as reflected by API scores. Named the high school weight room the 'Paysinger Family Weight Room.' Oct. 6: Reported on the curricular components of dance instruction in BHUSD. Reported on use of intervention time at the HS. Discussed different student permit categories and 'district-of-choice' legislation. Oct. 27: Received \$410,000 of support from BHEF for summer school offerings and teacher stipends for extra work. Received a presentation on basic aid funding and the factors that affect whether or not a district becomes basic aid (state funding tied to enrollment versus funding received from local property taxes). Nov. 10: The non-staff committee entrusted with recommending a new Measure E project manager reported that there are four top finalists and recommended that a permanent superintendent be in place before spending additional bond money. Took no action on two Measure E-related items dealing with architectural designs and construction projects, citing concerns about direction of projects given legal problems with last project manager. Administration had recommended approval, citing costs related to delays and importance of seismic/safety upgrades. Discussed different approaches to campus security, such as hiring more guards versus buying more technology like cameras. Nov. 24: Discussed possibilities for balancing 2010-2011 district budget. Goldberg: use Meas. E funds for field turf replacement and for some services and other operating expenses, use reserves. Lurie: furlough employees, offer early retirement, raise adult education course fees. Discussed parent appeals to LACOE on BHUSD's decisions on student permits. Fenton and Lurie disagreed on the legal costs associated with the district defending its decisions. Departing Board member Myra Demeter made farewell comments as she will not attend the Dec. 7 installation of new Board members due to a scheduling conflict.