

February, 2006

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speech when
you use it."*

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The President's View

by Don McKell

This is an awkward article to write, on a couple of levels. First, I am assuming as I write it that contract negotiations with the District will be finished by the time anyone reads it. Second, I am assuming that I pretty much know the outcome of bargaining before it is over.

If either of those assumptions is wrong, then this *Panorama* might go right along side the infamous "Dewey Defeats Truman" newspaper headline we've all seen being held aloft by grinning Harry Truman in our history textbooks.

At the January 25 meeting of the ESTA Executive Board, our Chief Negotiator Don Dawson gave a report on the status of contract bargaining. Among the many items covered was the "bottom line" position that he and the rest of the ESTA Bargaining Team had made clear to the District in recent negotiations. Don was cautiously optimistic that the District would agree to our proposal at the negotiations session scheduled for the afternoon of January 26. Doing so would bring an end to negotiations.

Let me recap what the District's original bargaining proposal was when it was first revealed last March in what turned out to be the waning days of the Zendejas administration. Remember her? That proposal called for (1) No COLA, (2) a hard benefits cap amounting to the 04/05 Kaiser composite rate, (3) an end to medical benefits for future retirees, (4) an end to retiree's ability to purchase benefits for self or spouse through the district, (5) an end to the district's willingness to pay 40% of the ESTA President's salary and benefits, (6) an end to the release period provided to Athletic Directors. In addition, apart from the bargaining arena, the District soon made it clear that it would invoke Article 15.4 in our contract and suspend all limits on all class sizes governed by the departmental table in section 15.1 for at least the 2005/06 school year.

We will never know how difficult this year's negotiations would have been if the School Board had not "accepted the resignation" of Superintendent Zendejas at the end of last year. I am certain we can all be thankful that we began bargaining in earnest with a different administration.

McKell, continued

Negotiations began last April, and proceeded at a sluggish pace through the end of the 04/05 school year, over the summer, and continuing into the current year. The leadership of the district changed, as eventually did the district's chief negotiator. There was still tremendous distrust on our part of nearly all of the confusing and frequently contradictory district financial information being made available for public consumption. Remember FCMAT? Remember the \$15,000,000 East Side budget deficit plastered all over the editorial pages of the *Murky News*? Remember the Budget Task Force, and people dancing for 20 minutes to save their jobs? Remember the "oops" decimal point? Remember the obscene layoff?

It was easy to believe that there was a concerted and ongoing attempt to manipulate the facts, with a goal of preparing the employees of the District to accept a bad offer. I hope it is just as easy to see that we were never convinced that the sky was truly falling. Getting lower maybe, but still in place. One by one we weathered the storms. Zendejas: gone. FCMAT: gone. \$15m deficit: highly overstated. Budget Task Force: highly overrated. Layoff: rescinded.

But even a stopped clock is right twice a day. In all of the rhetoric that was flying around about the true state of district finances, it was clear to those who were supposed to know that the district had been in declining financial health for several years. You get that way when you repeatedly spend more money every year than you take in. What was never clear was the precise extent of the problem; what became clearer over time was that there was a problem.

Even now, I can't bring myself to put into writing my complete assessment of the situation. Words once written have a habit of reappearing at inconvenient times, and I have no intention of undermining the effectiveness of our Bargaining Team three years from now.

But a competent perusal of this district's finances for the past five or six years shows an undeniable

trend. East Side has been systematically deficit spending. Were it not for the serendipitous sale of a portion of the District Office property in an eminent domain issue with the Valley Transportation Authority a few years ago, followed soon by the sale of a plot of investment property near the site of Evergreen Valley High School, I am absolutely convinced that East Side would

be under state receivership today.

Just like Oakland.

And there is no more one-time money in our near future. Granted, there's a lot of unused dirt surrounding the District Office structures, but the process of converting that land

into general fund currency is littered with uncertainty, made all the more so by the proliferation of charter schools in our midst. No, the East Side Union High School District must somehow learn to live within its means. Even with a 5.6% revenue limit bump from the state this year, it took a \$4m infusion of one-time land sale proceeds, plus a dip into reserves of almost another \$2m, plus adding three students to most classes to balance the budget to the satisfaction of all onlookers.

And when the last of the Quimby proceeds got spent in next year's budget, the whole house of cards would have been dangerously close to collapsing. Far too close for comfort. Neither the county nor the state is likely to have let us get that close to the abyss. The very first casualty in a state takeover is the Collective Bargaining Agreement.

How did we ever get into this mess? Let me count the ways: Wasteful leadership, squabbling board members, bad choices galore, whopping Special Education encroachments, a proliferation of charter schools, a new school opened too soon, mounting legal costs, significant increases in health care costs, soaring energy costs, a state economy that tanked, antagonistic camps in Sacramento, a disinterested federal government, two failed parcel tax attempts, and, oh yes, COLA+2 for three years.

Is any of that our fault? You decide. Can/should ESTA do anything to help? Well, you get to decide that, too. We can ratify the Proposed Settlement and hope that it's not only not giving away too much, but not giv-

McKell, continued

ing away too little. Or, we can not ratify the Proposed Settlement and hope the next ESTA Bargaining Team can do a better job.

So, why should we agree to accept less than full COLA? Is there another way? Wouldn't fewer employees cost less, even if they were each earning more? In essence, once you accept the premise that it is up to ESTA to lead the way to District financial health, there are only two ways to do it on such a massive scale: one is to take less than full COLA, and the other is to pile on the students in classes larger than has been the historic norm. The first helps the bottom line by allowing the district to retain a larger portion of the annual increases to the Revenue Limit. The second helps the district by reducing the number of folks drawing a paycheck.

That's the dilemma faced by our Negotiators. I believe they sensed the near impossibility of convincing ESTA membership to do both, and so they made a decision of Door #1 over Door #2. I'd like to think they did it because they're in touch with the feelings of the bulk of ESTA's members. I'd like to think they did it because of a belief that a union does not seek a solution to a problem that hurts some members more than it hurts others.

Counselors, Advisors, Librarians, Union Presidents, Coordinators, SpEd teachers, AltEd teachers, Sheltered teachers, and Morgan-Hart teachers never saw those extra three kids in their classrooms this year. And they probably wouldn't have seen them next year, either, or the year after, if our Negotiators had chosen to pursue larger classes as a tradeoff for full COLA.

The superintendent and the Board put those extra three kids in those classes this year, even if you'd like to believe that I did it in some secret back-room deal. All I and the Negotiators did was to limit the excesses to three kids, protecting as many classes as we could, in return for getting great contract language (if ratified) that will make it much harder to ever do again. If we ratify the Proposed Settlement.

And what of benefits? Is the soft 15% cap a sellout? I don't think so. Read the reports. The per-member increase in benefits costs from last year to this year is just over 7%. The increase for two years ago to last year was under 10%. Article after article, including

the conservative School Services of California Report, predicts that we are entering a time that will be characterized by a tapering off in the annual increases of health care costs. So I believe that the 15% soft cap is equivalent to no cap at all. Coming at a time when the average US employee pays almost \$2,000 per year, or about 20%, of the costs of their own health care, ESTA will emerge as one of only two or three CTA chapters in this Valley with fully-paid health care costs. If we ratify this Proposed Settlement.

And by the way, the assault on retiree benefits has disappeared, as has the silly attempt to force ESTA to pay its President's full salary, along with the proposal to eliminate AD release periods. Instead, we will have new language enriching the vision benefit just enough to make it work again, and the family and dependents of an ESTA member who dies unexpectedly will have six months' continuation of medical benefits instead of the abrupt end, sometimes within days of the death, as it was in previous contracts. If we ratify this Proposed Settlement.

PANORAMA MARTIN BRANDT, IHS EDITOR

Panorama is a monthly publication of the East Side Teachers' Association, 888 S. Capitol Ave. San Jose, CA.

Panorama is a forum for ESTA members, and welcomes all member contributions. Submissions must include author's name, position, and school site. Those with fewer than 250 words will be printed in the "Letters" section. All submissions may be edited for length or clarity.

Letters, articles, columns, queries, or classified ads (for ESTA members only) should be emailed as Microsoft Word Attachments to brandtm@esuhsd.org. Deadline for March submissions is Friday, March 3, 2006.

Disclaimer: The views expressed in *Panorama* are those of individual members and may not represent the official views of the East Side Teachers Association. *Panorama* will not print ad hominem attacks, personal insults, or racially provocative imagery.

HHH 1910-1993

Put It On The Ground (Ray Glaser/ Bill Wolff) *lyrics adapted by Dave Johnson*

The East Side Union wants to be the Nordstrom's for
our teachers
We'd love to offer all of them such a wide array of
features
We'd like to offer it to them but we have to stop
So find another district or to Wall Mart you must shop

CHORUS:

Oh! put it on the ground, spread it all around,
dig it with a hoe, it will make your flowers grow.

The District Budget's broke my friend, we pissed it all
away
Not on superintendents, but on outrageous teacher pay
With such outrageous teacher pay we cannot afford
To give to you the benefits that we give our board

CHORUS

We'd like to bargain in good faith and show our true
finances
But we don't know them just yet because of
circumstances
Like the new increased funding we just received from
state
To sort it out, don't scream and shout, for a raise you
have to wait

CHORUS

We increased the class sizes but that was for your sake
It wasn't for all the extra money that we now will
make
We care about our teachers, yes we're true to form
In winter months the extra kids will help to keep you
warm

CHORUS

To lead our lovely district we only hire the best
experts
That's why they earn such high pay and all the fancy
perks
For cooking up outrageous schemes, Oh! How they
love to think
like handing out to teachers nearly a thousand slips of
pink

CHORUS

In 1999 I moved up to the Bay Area from San Luis Obispo County. My friend moved up here in the same year. Let's call him Tech Savvy*. Tech Savvy and I each had a BA in English from Cal Poly SLO. We both also had more than average computer experience for liberal arts majors. I was a former electronics technician and my senior project was a web site. My friend Tech was making extra money creating websites for his professors at Cal Poly. Those professors really got their money's worth out of him because he wanted to be a web developer when he grew up so he spent an extraordinary amount of time tweeking their sites until they were perfect.

My first job as a teacher paid 38k and my friend got a job making 45k so I thought I was doing ok since teachers had a reputation for "not being in it for the money." And I wasn't. By 1999 things in the Silicon Valley had been heating up for a few years. In 2000 I came to work for East Side and by 2001 teachers here had been given a big raise because every person with or without a degree who had at least one year's experience working in the technology field was being snapped up by Internet companies for big bucks and stock options. After this big raise, I was making a whopping 45k while my friend Tech Savvy was up to 65k per year. He maxed out at 75k and after the Technology bust he was one of the lucky ones who still had a job and stock options. Everyone else went back to the East Coast or Bangalore.

Teacher's salaries are at about 60 to 70% of our worth in the private sector. They would be much less had the Internet boom of the late nineties not scooped up every available person in the Bay Area. People were coming here from all over the world to work in the Tech Industry and they didn't have to have college degrees. That's why I categorize them as persons instead of degreed Californians or Americans with a few units under their belts. Nope, just had to be person willing to work

in technology. How's that for equal opportunity? What a country! School districts were losing their bright young talent to the tech sector in droves. They had to do something and they did.

Three years after my friend, Tech Savvy, and I moved up here, I was making his starting salary thanks to the big raise the district gave in order to keep us from going over to the dark side, I mean the tech side. Friends, I wouldn't count on another tech boom to raise our salaries close to parity with the private sector. I'm sure there will be another tech boom but I would expect the high salaries to go to those with specific training in the needed areas. The days of getting high salaries with little training or experience will probably never be repeated. I'm sure school districts will face teacher shortages in the future but the intense pressure to offer competitive salaries will probably not reoccur. In short, we cannot afford to back down, now or ever, when it comes to our demands for adequate compensation. We all need to speak with one voice on this. Don't let them bring our compensation parity down to 40-50% of private sector salaries. Don't let them whittle away the salaries that are the closest we've been in a long time to a (lower) middle class (Bay Area) living.

*Tech Savvy is an actual person whose name has been changed to protect his privacy.

--Mike Brennan

Santa Teresa High School

Regarding the current contract proposal for the teachers of ESUHSD, the problems we are facing with the contract offer are not those of teachers alone, but rather the problems that our entire community—including students, parents, and union leaders—will have to face now and into the foreseeable future.

We hear that the State of California now has

more money to offer education, yet that our district is close to bankruptcy. We are expected to accept a “raise” that puts teachers farther and farther behind in our ability to live in the very community we exist to serve. We have advanced degrees and requirements of on-going professional development, yet make far less than the UPS drivers who bring us goods.

The current contract offer does not show compromise. The good teachers of this district have been working without a raise for well over six years. The law does not define cost of living as a raise, but an entitlement to basic compensation.

We cannot be expected to serve our community on an offer that does not even match the increase in the

“We have advanced degrees and requirements of on-going professional development, yet make far less than the UPS drivers who bring us goods.”

cost of living. We live in one of the most expensive

sive areas of California. The economy marches forward into the future, driving up the basic costs of living and our nominal compensation, while our real wages continually take steps backwards, into the past.

We cannot expect our children to be properly educated in classrooms that were built to seat 25 and in many cases have been crammed with up to 39. We cannot expect teachers to carry the burden of the future's rising costs of benefits when their pay remains stuck in the past. The District cannot balance their budget on the backs of the teachers.

Teachers must stand united and reject this offer, for it is not in our interest alone, but for the students, as well for our brothers and sisters in other fields of labor. People of the district, union leaders, teachers, parents and students alike, now is the time to stand up for what is fair, what is just and what is right.

--Don Yellum

I don't know why, but a few years ago, somebody somewhere decided that what my classroom needed most was access to a fire alarm system which, when triggered by an errant or mischievous hand--or even a fire some two acres away at the other end of campus--would alert me and my students with the shrill, adrenalin-inducing ferocity of a prehistoric raptor.

Actual instruction is of course impossible for the duration of the alarm. When the last of its piercing screams has ascended the firmament, a disembodied voice then echoes over the school PA system, usually telling us something like, "Please return to your classrooms. The fire alarm is working."

I can think of no better retort to this declaration of the obvious than my students', who—unencumbered by protocol, and eager to point out the stupidity of their elders—usually mutter something like, "So if the fire alarm is working, where's the friggin' fire?"

I don't know why, but a few weeks ago, somebody decided that every one of my students must have a copy of a textbook, whether I choose to use it or not. Our hands are tied, I'm told. *Williams v. The State of California* has spoken. When I objected, I was informed in no uncertain terms that the textbooks (they really are quite nice, you know) are to be considered the primary source of information in my classroom.

No amount of reasoning can convince anybody otherwise. Never mind novels like *The Grapes of Wrath*, or plays like *The Crucible*. You may spend whole grading periods working on them, but they are deemed of secondary importance, and if you haven't provided your students their fifth opportunity since the seventh grade to read Shirley Jackson's "The Lottery", well you're breaking the law.

I don't know why, but several years ago it was decided that we had to put up "essential standards" on our classroom walls. I had no part in deciding what those standards would be—well, check that: I was asked to help determine what the *essential* ones would be, but that was to preclude any complaint when I was ordered to put them on my wall and then translate them into "student friendly language".

Anyway, the standards come on nice, thick, shiny, poster paper—very durable, too. Now I can bore generations of students by directing them to the deathless standards on my wall.

I don't know why, but it was decided some years ago that we would be measured and judged according to student performance on standardized tests.

By
Martin Brandt
IHS

Along with all the threats of state takeover, there was some talk about performance incentives for showing measurable improvements. These incentives lasted about a year or so before funding dried up.

So it goes with education in California. There's rarely money for a carrot, but there's always money for a stick.

So what do all of these stupidities have in common? Well, we teachers were not consulted on any of them, except perhaps in the most cursory way. In fact, most of these decisions are made on the implicit assumption that teachers--that is, those who are closest to the students and in the best position to report what's actually going on--are just in the way.

Ah, I can hear you saying, "But we need fire alarms! Students should have access to their textbooks! Standardized testing is helping our students perform better!"

I concede all counts. But one of the most maddening aspects of the perpetual education crisis in this country is the notion that we teachers are perfectly content with the various absurdities that are foisted upon us. OK, I want school safety. But that doesn't mean I want my classes interrupted three times a week by meaningless fire alarms. *Of course* students should have textbooks, but I am perfectly capable of crafting meaningful curriculum without the peremptory gaze of Prentice Hall over my shoulder. Standards are certainly a healthy way to inform our practice, but that doesn't mean I want to take down student work in order to make room for the glossy acetate fictions supplied by the district.

In all of these situations, my reasonable objections are ultimately met with the injunction to just do what I'm told. Therein lies the great flaw in American schools. We adults encourage our students to think for themselves, to develop their conscience, to learn to reason, and to stand up for what's right; then we turn around and cave in to the first sign of pressure from authorities who do not know any better than we do what our classrooms and students need.

Our students are not rebels, really. Most of the time, they will do exactly as they're told--to a fault. We've all shaken our heads sadly when we see a lack of imagination, or the impulse to do only what's required, not a fraction more. This suggests to me that the real problem is not mass defiance; it's mass compliance.

I wonder where they get it!

ESTA Classifieds

FOR SALE: Beautiful (NEW) timeshare at the Westin Ka'anapali, on Maui. Two-bedroom lock off, island view. Excellent investment! Has appreciated 40% in two years!! Two kitchens, two bathrooms, all housekeeping supplies, sleeps 8, pools, waterslides, kids' club, on the beach, grocery delivery, etc. Use the one bedroom one year, then use the studio the next or use the whole unit every other year (floating week); you can even stay for two weeks!! Current selling price: 32-37K -- we're selling ours for only 25K. Website: www.westinkaanapali.com. Please call Pat at 532-1332 or email phboyd@pacbell.net.

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*Deadline for Submissions to the
March issue of Panorama is
Friday, March 3, 2006*

The Backside

Lies, damned lies, and statistics

Tom Shane: 'I know what East Side teachers want'

Lodged in a series of tense negotiations with the East Side Teachers Association, officials from the East Side Union High School District turned to an unlikely arbiter to assist them in moving contract talks forward: adenoidal radio jeweler Tom Shane.

Long known for knowing exactly what women want, Shane proved an invaluable guide in assisting the district in assessing the wants of its teachers.

"Teachers would love a statutory COLA of 5.68 percent, but there's not a teacher out there who won't be thrilled to receive this ruby and diamond pendant in 14 karat white gold," said Shane.

"Teachers will beam with delight when you place this lovely ruby pendant with accent diamonds in 14 karat white gold around their necks. Two sparkling round diamonds accentuate a single fiery oval ruby. This striking pendant hangs from an 18-inch box chain also in 14 karat white gold. At \$350.00, it's a gem of a bargain."

Said one district negotiator, "Once we brought Tom Shane in, we found the teachers' union resistance to our proposals just melted away, perhaps because his nasal voice was so persistent and irritating."

Union leaders agreed. "I couldn't get that voice of his out of my head," said one. "I'd have done

anything to stop it. Plus, Tom Shane seems to understand that I don't want a soft cap of 15% on medical benefits nearly as much as I'd like a ruby and diamond ring with a spectacular, hand-selected oval ruby."

"We should have brought Tom Shane in years ago," said the district negotiator. "But at least it's good to know that now we have a friend in the union-busting business."

New Essay Contest: **'Why I want to be sacrificed'**

Working in conjunction with the Educational Testing Service and Pepsi Co., officials of the East Side Union High School District have proudly announced a new essay contest for district students.

Titled "Why it is an honor to be sacrificed to the Gods of standardized testing," the contest seeks essays of 500 words in length that justify the deliverance of education in America to "The Serene and Inexorable God of Standardized Tests."

District spokesman Old Man Warner told *The Backside* that the contest was a long time coming.

"For too long, we've been pampering the students of this district with the fantasy that individual thought counts for something. We know from research that what counts most--in dollars and cents--is high test scores. This contest will help remedy that."

The first-prize winner will receive a lifetime entry-level job at Wal-Mart.

Rumor of satisfied teacher confirmed

Officials from the East Side Union High School District have succeeded in confirming long-circulating rumors that there is a satisfied teacher working in its midst.

"This is like locating Bigfoot, the Holy Grail, and Saddam's WMD all at once," said district official O. Howie Cheatham. "I never would have believed it except that I've spoken to the teacher in question, and he actually claims to be entirely satisfied with the state of the district."

The teacher, Independence English veteran Drip Van Wrinkle, has been working for the past 10 years in the portable classrooms on the school's northwestern frontier. Lacking phone contact, email, and interaction with his colleagues, Van Wrinkle has essentially worked in a vacuum, contentedly teaching the works of Washington Irving.

"I had no idea that things were anything less than completely satisfactory in this district," he said. "I just now heard that there was a big layoff last year. And somebody told me that standardized testing has taken over the schools. And that we had until recently been laboring under the thrall of a contemptuous tyrant of a superintendent! And that the Board dares to patronize us with calls to renew our committment! Could *all* of this actually be true?"

District officials are hard at work, making sure that Van Wrinkle is brought up to date. "A happy teacher in the East Side?" said Cheatham. "This must *never* happen again!"