

**TENTATIVE AGREEMENT BETWEEN
LOS ANGELES UNIFIED SCHOOL DISTRICT AND
UNITED TEACHERS LOS ANGELES**

Expanded School-Based Management Model Agreement

Introduction: The Los Angeles Unified School District (LAUSD) and the United Teachers Los Angeles (UTLA) are sponsoring the establishment of the Expanded School-Based Management Model (ESBMM) within LAUSD. The purpose of establishing ESBMM is to enhance flexibility, accountability, and local control for participating schools to promote academic excellence and full engagement by the school community. The parties seek to improve dramatically the educational learning environment and thereby improve student performance through ESBMM as a voluntary model among the options for LAUSD schools. ESBMM schools will be open to students in accordance with the LAUSD student assignment plan.

- I. **Scope:** There will be established up to 30 ESBMM schools in LAUSD by June 30, 2012, in accordance with the selection process outlined in section V below, unless the parties agree in writing to establish more, and/or to a different timeline for the establishment of the agreed-upon number of ESBMM Schools.

- II. **Status of LAUSD Employees Who Work in ESBMM Schools:** All UTLA bargaining unit members who elect to be assigned to work in ESBMM Schools shall maintain their full status as members of the UTLA Bargaining unit and as employees of District. All provisions of the District-UTLA Collective Bargaining Agreement shall continue to apply to UTLA bargaining unit members assigned to ESBMM schools. ESBMM schools shall continue to follow all applicable laws and regulations as well as the provisions of all applicable collective bargaining agreements.

- III. **Transfers from ESBMM Schools:** All employees shall work in ESBMM Schools on a voluntary basis and may request a voluntary transfer to another district school effective at the end of any school year. If a teacher is transferred from a ESBMM School (for example, due to programmatic changes at the school site) during the term of this agreement, the teacher shall be transferred to a vacancy for which that teacher is qualified at a school within the geographic area in which the ESBMM School is located, or if no such vacancy exists, shall be transferred to another geographic area.

- IV. **Basic Principles of ESBMM Schools:** ESBMM schools shall continue to follow all applicable state and federal laws and regulations and collective bargaining agreements. ESBMM schools strive for a model of collaboration and shared decision-making at the school site, embodying freedoms from District-imposed constraints.
 - A. To that end, ESBMM Schools shall be exempt from Board Rules and District policies except those necessary for legal compliance, subject to District review for the sole intent and purpose of ensuring legal

ensuring compliance with State and federal laws (including the impact of the waiver on the District's ability to comply with legal requirements district-wide). Approval of the ESBMM proposal constitutes approval of the waiver request from policies and Board Rules. After approval of the ESBMM proposal, any decision of an ESBMM school which is in conflict with any applicable laws or regulations, or collective bargaining agreements shall be null and void unless the appropriate parties have agreed to a waiver or exemption.

- B. The Provisions of this Tentative Agreement ("TA") are not intended to narrow or expand the rights of the District or UTLA to be less or greater than that provided by law, except as specifically set forth in this Tentative Agreement. If there is a conflict between a specific provision of this TA and legal requirements, all other sections of this TA which comply with the law shall remain in full force and effect.

V. Establishment of ESBMM Schools

- A. Establishment of ESBMM schools shall be accomplished through a Request for Qualifications (RFQ) process.

1. The RFQ process will be developed by LAUSD and a UTLA-appointed representative, with final decision-making by the Superintendent/designee. The process will be administered by the Superintendent/designee.
2. At the school site level, part of this process will include consideration of the school's planning year, outreach and involvement of school stakeholders (parents, classified staff, administrators, and UTLA-represented employees) and documentation of these efforts through a letter of intent signed by the school principal and UTLA chapter chair after a vote by the School Leadership Council. This letter of intent shall be used solely to confirm the provisions of section A (1), C (5), (6), and D, below, have been followed.
3. Completed RFQs will be reviewed by the staff designated by the Superintendent, which shall thereafter recommend proposals to the Superintendent/designee for approval.
4. No ESBMM School shall be established without the prior written approval of the Superintendent/designee.

- B. All ESBMM Schools shall base their proposals on the six elements of School Based Management. These six elements support success because the ESBMM school will have, to the maximum extent permitted by law:

1. Funding to the local school site based on the State ADA and categorical Funding framework
2. Control over its financial resources (per pupil funding)
3. Control over the selection of administrative, certificated, and classified employees, subject to section V C 4 (a) below

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4. Control over curriculum
5. Control over professional development
6. Control over bell schedules, in accordance with District requirements for minimum instructional minutes

C. All ESBMM School Proposals shall explain how each of the six elements noted in section B above will apply to the school's program. The Proposal shall contain a comprehensive description of each of the following components:

1. Establishment of clear accountability measures for each component listed in this section, including objectively measurable metrics for each accountability measure.
2. The academic program, curriculum and instruction practices, including for example standards-based curricular framework, instructional materials, instructional methodology for academic and innovative approaches, bell schedule and annual calendar, professional development, and support for all subgroups. ESBMM Schools shall, at a minimum, provide at least the number of student instructional days and the amount of instructional minutes as other District schools of the applicable grade level.
3. Professional Development offerings and how they will support the school's objectives
4. Governance, including, for example, organizational structure, composition of governing councils and committees, and roles and responsibilities, in keeping with all legal requirements.
 - a. Governance functions include but are not limited to the following tasks: set the school vision, approve the annual budget, and the selection of the school leader.
 - (1) ESBMM Schools shall form a School Leadership Council and the School Leadership Council will function according to Article XXVII, Sections 2.0-2.9 of the LAUSD-UTLA collective bargaining agreement, unless otherwise provided for herein. The Council will participate in shared decision-making on all of the matters provided in Section 2.4.
 - (2) To the extent permitted by applicable laws, regulations, and collective bargaining agreements, members of the School Leadership Council will be actively involved in selection of personnel, evaluations of teacher and administrator performance, and design and conduct of professional development.
 - (3) The School Leadership Council shall establish a committee comprised of the school principal, chapter chair, teachers,

parents, classified staff for the purpose of selecting personnel in accordance with District Staffing policies and procedures. All members of this committee shall sign a Non-Disclosure agreement regarding applicant information. For the purpose of selecting the school principal, the Superintendent/designee shall appoint a representative to serve on the selection committee. The committee shall select personnel by consensus.

b. ESBMM Schools shall also have properly formed advisory committees and School Site Councils. Refer to District Bulletin Number 4148, Advisory Committees and School Site Councils, dated April 15, 2009, for complete information regarding policies and state guidelines related to the composition of School Site Councils.

5. Parent involvement (At a minimum, ESBMM school proposals shall demonstrate that three meetings were held at various times to ensure access.)
6. Community engagement (At a minimum, ESBMM school proposals shall demonstrate that three meetings were held at various times to ensure access.)

D. The written Proposal shall be shared with all school staff (certificated and classified) and stakeholders for input. The final Proposal, as submitted to the Superintendent/designee, shall show evidence of support from and approval in the form of a vote in support of the proposal of 67% of UTLA bargaining unit members who work 50% or more time at the school site, as well as demonstrated engagement from classified staff, and parents in support of the proposal. The UTLA vote shall be conducted by confidential double envelope ballot by the chapter chair/designee. The principal and chapter chair shall count the ballots. This voting process is open and observers are welcome.

VI. Funding of ESBMM Schools: ESBMM schools shall be funded through a site-based funding model determined by the District.

VII. Review and Evaluation: In order to ensure continuing accountability, each school will be reviewed annually at a minimum. Additionally, the school will undertake a formal Quality Review Process (QRP) in year three, and then every five years thereafter unless the QRP reveals issues that warrant earlier follow-up. The QRP will be established by the Superintendent/designee, with final accountability to the Board of Education. The ESBMM School Proposal, as noted above, will contain objectively measurable metrics for all accountability measures in the Proposal, and these metrics will be used for evaluation during the Quality Review Process. These metrics will also be reviewed by the Superintendent/designee at least annually to ensure the school is on target. If the school is not on target to meet annual improvement

goals and benchmarks as set by the ESBMM school proposal, the State of California and the federal government (i.e., AYP, API, CAHSEE pass rates, attendance rates, graduation rates, Dashboard data), the Superintendent/designee may determine that some or all autonomies under this TA for that school will be modified or removed. In the event action by the District is necessary due to a violation by the ESBMM school that constitutes a severe and imminent threat to the health or safety of the pupils or constitutes a criminal act, the District may immediately modify or remove some or all autonomies under this TA by notifying the ESBMM school.

VIII. Dispute Resolution:

Disputes over this agreement will be subject to the grievance procedure outlined in Article V of the LAUSD-UTLA Collective Bargaining Agreement.

IX. Duration of TA:

This TA shall take effect immediately upon approval by the District and UTLA and shall remain in effect through June 30, 2012. Thereafter, this TA may be modified or renewed with the mutual written agreement of both parties.

X. Ratification:

This TA shall be subject to ratification by the appropriate UTLA governing bodies and by the LAUSD Board of Education.

Date of Agreement April, 2010

Los Angeles Unified School District:

United Teachers Los Angeles:

By: John Bowes
Dr. John Bowes
Assistant Chief Human Resources Officer
Office of Staff Relations

By: A. J. Duffy
A. J. Duffy
President
United Teachers Los Angeles

Adopted and approved by the Board of Education on _____ 2010.

By: _____
Monica Garcia, President
Board of Education