

**MEMORANDUM OF UNDERSTANDING
LOS ANGELES UNIFIED SCHOOL DISTRICT AND
UNITED TEACHERS LOS ANGELES**

THE LAUSD-UTLA LOCAL SCHOOL STABILIZATION AND EMPOWERMENT INITIATIVE OF 2011

This Memorandum of Understanding (MOU) regarding the design and implementation of the Local School Empowerment Initiative is being entered into by the District and UTLA based on their belief that the teaching professionals and parents at each school are usually in the best position to assess and address many of the varying needs and challenges facing their students. This Initiative is also based on the parties' commitment to continued improvement in student learning, achievement and quality of instruction in all District schools. This Initiative consists of several related elements described below. The Local Initiative School program is first described, in Section I. Significant amendments to the Public School Choice program are then described in Sections II, III, and IV below.

I. Local Initiative Schools

- A. Introduction: The Local Initiative School program makes available an array of subjects for local school empowerment, as it provides for increased decision-making authority and empowerment of the Local School's faculty, Principal and parents to determine various aspects of the school's educational program and policies. The Local Initiative Schools will be granted automatic waivers from central-District controls and from parts of the District-UTLA Agreement as needed to implement various matters that are made subject to local determination, all as described below.
- B. Eligibility for the Local Initiative School Option shall be available, as a matter of local school discretion and decision, to the following categories of District schools, in the following priority opportunity order:
1. All current Public School Choice (PSC) 3.0 Focus schools and all schools who have recently been removed from the PSC 3.0 Focus list – with planning to begin in the 2011-12 school year for implementation at the beginning of the 2012-13 school year;
 2. All high schools, middle schools, Span schools and Elementary schools that are ranked in Deciles 1, 2, 3 and 4 on the Base Academic Performance (API) Index – with planning to begin in the 2012-13 school year for implementation at the beginning of the 2013-14 school year;
 3. All high schools, middle schools, Span schools and Elementary schools that are ranked in Deciles 5 through 10 on the API Index – with planning to begin in the 2013-14 school year for implementation at the beginning of the 2014-15 school year. However, these schools may accelerate their eligibility for planning and implementation to be that described in paragraph 2 above, in the event that they otherwise qualify (see Section I-E below) and that they also achieve a 70% authorizing faculty vote of approval under Section I-E-8 below.
 4. It is understood that the above categories are permissive priorities for initial phase-in, and are not to be regarded in any way as deadlines or waivers of future participation. Therefore, any school in a designated category that does not initiate its Local Initiative School

participation during its first year of eligibility specified above, or is unable to complete its qualification procedures or other related training or planning in time for its first implementation target date specified above, shall remain eligible for participation and/or implementation, into the indefinite future.

5. In future years, the actual schools within the above categories will change from year to year during the term of this Agreement. For each such succeeding year, the eligibility will depend upon the schools selected for PSC and who are ranked by decile for that year.
- C. “Local Initiative School” Authority. In terms of student needs and challenges, there are wide variations among District schools and the communities they serve. Such variations are not always best addressed through uniform system-wide rules and directives. The professionals and parents at each school are usually in a better position to assess and address local needs and challenges, even while complying with necessary basic minimum uniform standards. The local initiatives must be developed and based upon the local school’s Instructional Plan in the case of identified Focus, at-risk Watch schools, or new schools (or in the case of other eligible schools, the local school’s Single Plan for Student Achievement), so that the local initiatives are driven solely by the imperative of continued improvement in student achievement and quality of instruction. Accordingly, a Local Initiative School shall have the authority and option to determine local policy with respect to any or all of the matters listed below, without the need for waivers of policy or contract (unless otherwise indicated below) from the District or UTLA:
1. Re-adoption into the Local Initiative School program of any current special conditions/waivers that are already applicable to the school pursuant to SBM, ESBMM, Pilot or other arrangements (see item 14 below for new inclusions of Pilot or ESBMM);
 2. School-determined methods to improve pedagogy and student achievement, such as articulation between grade levels and departments, intervention strategies and intervention/special support programs (such as parent contacts, homework clinics, directed focus of services to assist struggling students and after-school reading rooms or math coaching on a rotating basis);
 3. Locally determined curriculum (subject to State and District minimum curriculum standards); local instructional standards, objectives, and special emphases (supplementing District standards);
 4. Local interim benchmark assessments, tests and pacing plans, aligned with and equivalent to District requirements (e.g., GATE, Algebra Placement), and complying with any State and Federal requirements;
 5. Local instructional schedules and strategies, including modified daily instructional days/minutes, the school’s schedule of activities and events, and special schedules such as those designed to accommodate additional prep time for elementary teachers (all of the above being subject to District-mandated annual number of school days and minimum annual minutes of instruction and calendar requirements, and contractual pay in the case of additional required hours of regular daily instruction);

6. School's internal organization plan, such as division into academies, small learning communities, houses etc. within the assigned student population;
 7. Local professional development plans aligned with the School's Instructional Plan/Single Plan for Student Achievement, except as to training relating to legal/compliance mandates;
 8. General fund budget control, pursuant to the District's evolving site-based funding system, which currently provides local discretion but neutralizes the impact of differences such as those among certificated staff salaries, and subject to the other applicable related District requirements such as those governing "guided purchases";
 9. A requirement for "mutual consent" by school and applying employee with respect to the filling of UTLA-represented, site-based openings at the school, meaning no District-mandated priority placements, but school must still comply with return rights or other placement rights to the school that are created by legal mandates or by the District-UTLA Agreement (see also Section I-G below, which gives detail regarding the local selection process);
 10. Local process/methods for determining assignment of teachers to grade levels, departments, subjects and classes, (e.g., looping, team-teaching, ungraded instruction, multi-age classrooms, etc.);
 11. Local process/methods for selecting teachers as grade level or department chairs, coordinators, deans, instructional coaches, etc.;
 12. School's student discipline guidelines and code of student conduct, aligned with the District-wide standards and rules governing student conduct, suspensions, expulsions and transfers;
 13. School's health/safety matters, aligned with District-wide health/safety mandates;
 14. School's adoption of separate waiver plans such as Pilot program (but subject to that program's RFP, Pilot Steering Committee review/approval process, and Pilot voting requirements), or ESBMM Program (but subject to that program's requirements) – in both cases subject to the dispute resolution process in Section V below, regarding denials of program approvals or other disputes; and
 15. Additional waivers: A school, pursuant to the procedures outlined below, may request local authority waivers in addition to those described above; such additional waivers would, however, require separate consideration and approval from both the District and UTLA before becoming effective.
- D. General Provisions Affecting Local Initiative School Authority and Determinations. Local Initiative School determinations and exercises of the authority granted in Section I-C above shall:
1. Be implemented and administered by the school administration along with all matters of District policy;

2. Not be considered matters of contract, precedent or enforcement as between the District and UTLA;
 3. Not be interpreted, applied or enforced in a manner that exceeds the stated parameters of the authorization stated in Section I-C above, or that requires additional financial cost to the District or risk of liability exposure to the District;
 4. Not affect District responsibility and control over capital improvements, maintenance matters, or property use matters;
 5. Not be deemed valid or enforceable to the extent that they are (a) contrary to legal mandates; (b) out of compliance with State or Federal funding sources; (c) out of compliance with Personnel Commission rules or regulations; (d) out of compliance with District policies/rules governing student assignment, transfer, or any other matters not expressly identified as inclusions under the Section I-C above; (e) out of compliance with the District-UTLA Agreement terms governing any matters not expressly identified as inclusions under the above Section I-C; (f) out of compliance with District fiscal oversight, monitoring and reporting requirements; or (g) out of compliance with any other non-UTLA bargaining unit's collective bargaining agreement.
- E. Petitions and Elections to Establish Local Initiative Schools and to Adopt Local Initiatives. In order for a school to implement the Local Initiative School governance model, and also the proposed local initiatives, the following conditions must be satisfied:
1. First, receive training regarding the Local Initiative School model and the individual subjects that are open to Local Initiative School authority as well as under the other available governance options, methods of engaging parents and community in the deliberations, consensus building and decision-making by consensus, the procedural and electoral requirements for adoption of Local Initiative School status, the critical linkage required between the school's Instructional Plan (or Single Plan for Student Achievement, if applicable) and the Local Initiative proposals, and the operations of a school's Selection Team. That training program will be jointly developed by the District and UTLA.
 2. During the time period between November 15 through March 1 of each school year, interested schools will develop their proposals, including their Instructional Plan/Single Plan for Student Achievement, discuss local policy development matters, prepare and discuss proposals and petitions, gather support for petitions (including evidence of parent and community engagement, etc.), and secure the concurrence/consent of the Principal, so that petitions are completed and approved by March 1. The elections will be held between March 1 and April 15, allowing for review and discussion of the proposed plans prior to voting. The above-summarized tasks are described in further detail below.
 3. After appropriate discussion and deliberation, a proposal/petition may be prepared, proposing that the school become a Local Initiative School, and also identifying the matters of Local Initiative authority which are being proposed for the school, together with a brief statement as to how each of such proposals is aligned to, and will advance, the school's plan. This proposal may be initiated by members of the faculty or the Principal, or both.

Broad discussion and consultation is encouraged among the school's stakeholders regarding such proposals.

4. Consideration should be given as to whether to include any existing local school policies that were the product of previous waivers such as under School Based Management, Pilot, or ESBMM. Such previous waivers will not be invalidated by exclusion, nor by a school's declining to approve the school's Local School Initiative petition – but for clarity and ease of reference it may be convenient to include them in the petition, at least by reference.
5. Because the proposal is to be driven by the Instructional Plan/Single Plan for Student Achievement, and is therefore expected to be a coordinated package, the entire proposal will be prepared, petitioned, and (if approved for election) will be voted upon as a single package.
6. Evidence of support of the petition, by the signatures of a majority of the school's UTLA-represented certificated staff (who are assigned full-time to the school), to conduct an election to adopt the Local Initiative proposal, shall be submitted to the Principal.
7. Evidence of parent and community engagement and support (and student engagement/support, in the case of high schools) of the petition shall also be submitted to the Principal.
8. The election is subject to the prior independent written concurrence/consent of the Principal. (If the Principal has issues with the proposal, the Principal and faculty will discuss resolution; if they cannot reach an agreement after persistent efforts, either the chapter chair or the Principal may request the assistance of the Local Options Oversight Committee under Section V-A below).
9. Written notice of the election, including a copy of the proposed plan, shall be sent to the voters at least 10 working days before the vote. At least one faculty meeting shall be convened prior to the day of the voting, to review and discuss the merits of the proposed plan. The voting shall be by secret ballot, supervised jointly by the Principal and the Chapter Chair. Adoption of the Local Initiative School package requires an affirmative vote of 60% of the votes cast. Eligibility is limited to the UTLA-represented certificated staff assigned full-time to the school.

F. Impact of the Election:

1. The election determines whether the school is to become a Local Initiative School, together with the initial subjects of Local Initiative authority for the school as described in the petition.
2. Local Initiative policy adoptions are not to be retroactively applied; they shall be applied only to situations occurring after adoption.
3. Any Local Initiative adoptions shall be retained indefinitely, but at a minimum shall be retained for at least three years, in order to permit adequate time for experience and evaluation. However, such adoptions may, if the faculty and principal jointly find that the

Local Initiative model, or major elements of it, is counter-productive and clearly not performing as expected, they may rescind the model or major elements of it earlier than the three-year presumptive period, as well as after the three-year period (smaller modifications shall be subject to the process governing new Local Initiative proposals in F4 below). In order to rescind or make major modifications within the three-year period, there must be a petition supported by a majority of the eligible faculty (as defined above), written independent concurrence/consent by the Principal, a secret ballot election as described above, and the vote of 67% (rather than the usual 60%) of the votes cast by the eligible voters. Proposed rescissions after the three-year period will be treated the same as other new proposed adoptions.

4. Each school year, additions to an existing Local Initiative Plan are subject to initiation by the School Site Council by the faculty and/or Principal, and if proposed will require faculty petition support, parent/community/student participation, Principal's concurrence/consent, and secret ballot election – all as described above – in order to achieve adoption.
- G. Staff Selection in Local Initiative Schools: If the school's adoption includes the local school's control over the filling of openings (see Section I-C-9 above), there shall be a Personnel Team designated to participate in the selection of full-time certificated staff for the school. It shall consist of:
1. Four teachers (two elected for that purpose, plus the Chapter Chair and the appropriate department of grade level chair for the opening being filled);
 2. The Principal or designated administrator;
 3. A classified employee selected by the school's classified staff;
 4. Two parents selected by the parents on the School Site Council; and
 5. For high schools only, one student (usually the student body president)

Decisions of the Personnel Team, to become final, are subject to the independent concurrence/consent of the Principal. The Personnel Team (but with administration represented by an administrator other than the Principal) shall also participate in the selection of the school's Principal, subject to the independent concurrence/consent of the Superintendent or designee. Principal removals or reassignments remain within the authority of the Superintendent and District.

II. Amendments to the Public School Choice (PSC) Program:

- A. Background: The District currently has in place the Public School Choice program which provides for in-District and non-District entities to make proposals for consideration and selection as operators of the most challenged and struggling District schools, and also of new District schools.
- B. Priority for In-District School PSC School Operations Proposals: For a three-year period covering PSC 3.0 (2011-12), PSC 4.0 (2012-13) and PSC 5.0 (2013-14), the PSC option and roles for non-

District school operation proposals shall be suspended and the PSC program shall be limited to in-District applicants. In-District applicants are defined as any proposed school operators and plans that are reliant upon District employees to staff the particular school's faculty positions. Upon the expiration of that three-year period of suspension of non-District applications, the following limitation shall apply: The District, prior to entertaining PSC applications from non-District school operating plans for any given school, must have previously implemented one of the (in-District) intervention options under No Child Left Behind (NCLB) or its equivalent, as provided in Section III-G below, and determined that the school has not responded to that intervention with substantial progress in student achievement.

- C. Continuing District School Reform Initiatives: The PSC Program and the District's ongoing structural and organizational reform efforts will in all other respects continue, including the ongoing discretionary identification of Focus and at-risk Watch schools, the processing of in-District school operation applications, the requirement for rigorous high-quality local school Instructional Plans, discretionary reviews and monitoring by the Superintendent of school performance under such Instructional Plans, and the continuation of District-determined implementation of school intervention measures pursuant to applicable law and policy including the No Child Left Behind Act (NCLB) and its State counterpart, subject to the limitations of Section III-G below.
- D. Continuing Role for Non-District School Operation Initiatives: Nothing in this MOU shall limit or abrogate the statutory legal rights of Charter Schools and other non-District school operators to initiate their engagement with District schools pursuant to applicable law and policy, independently of District-initiated processes such as PSC.
- E. Special Enforcement Provisions: District compliance with the requirement of Section II-B – to confine PSC and other District-initiated awards of control of schools to the above-described in-District applicants – is regarded as an essential element of this MOU. Alleged violations of Section B shall be subject to expedited arbitration procedures, with a stipulated injunction to be issued in the event of an arbitral finding of District violation. In the event that (1) the arbitrator finds a violation of Section B but declines to issue the stipulated injunction due to external law considerations, or (2) a court sets aside or refuses to enforce a stipulated arbitral injunction due to external law considerations, UTLA shall have the right and option to terminate this MOU, upon 10 working days' written notice to the District to that effect. However, the District may, within that 10-day period, notify UTLA in writing of its irrevocable acceptance of the stipulated injunction in order to avoid the termination of the MOU. Any such termination of the MOU shall be solely prospective in impact, so that it will neither affect any previous PSC-related actions, nor affect the ongoing or future operations of any previously-established Local Initiative Schools.

III. In-District Applications for PSC Program, and Related Package of Supports

- A. Schools Eligible: These provisions are available for qualifying applicant PSC 3.0 Focus Schools, future Focus Schools identified by the District, and also all identified at-risk Watch schools. The District shall, upon request, consult with UTLA with regard to the criteria to be applied and the schools planned to be added to PSC 4.0 and 5.0.

- B. Applications: Any of the eligible schools may apply by transmitting to the District's Office of Intensive Support and Intervention, an Instructional Plan/Single Plan for Student Achievement that has been developed and prepared by a Design Team at the school, consisting of the representatives of grade levels (e.g., K-3, or 4-5) or of some departments, who can demonstrate evidence of parental support, classified employee support, and student support (in the case of high schools only), and who have undertaken the effort necessary to develop and organize a local school instructional plan that is intended by the school to meet the District standard of "high quality." The plan and the application are subject to the independent concurrence/consent of the school Principal.
- C. Waivers and Governance Matters: In-District Applicants' (as defined in Section II-B above) proposals for Focus Schools shall be treated the same as those for new schools (Section IV-D below) in terms of the discretionary approval by the Superintendent as "high quality," selection decision, and the automatic waivers and discretionary waivers in furtherance of their Instructional Plans as described in Section I-C above.

Note: Because these options and opportunities were not known to PSC 3.0 applicant Design Teams prior to the November 18 deadline, additional reasonable time will be granted and specified by the District for the Design Teams to revise and re-submit their Instructional Plans and their PSC 3.0 Focus School applications.

In addition to the Instructional Plan options and related waivers that are available, Focus School applicants have the option to include in their Instructional Plan an alternative governance model such as Local Initiative School, Pilot, or ESBMM. Whether or not such governance model is included in the Instructional Plan or deferred, automatic approvals/waivers (with no numerical "caps") will be deemed granted by the District and UTLA as to such proposals and plans, so long as there has been (or will be) compliance with the requisite process for adoption of such model, including the RFP, Steering Committee review/approval process and voting requirements for Pilots. However, such requisite processes shall not themselves include discretionary approvals by the District or UTLA, as the intention is for such alternate governance plans and related waivers to be granted automatically.

Adoption of a particular alternative governance model shall not itself affect the automatic or discretionary waivers granted under Section I-C above. Focus School applicants who defer selection of an alternative governance model shall operate under Article XXVII and also under their current governance system (such as Pilot or ESBMM) if applicable, and also provide the same training described in Section I-E-1 above, before voting upon a new governance model.

- D. Staff Selection at Focus Schools: All faculty shall sign the school's Commitment to Implement the School Plan (jointly-developed by the District and UTLA). Teachers choosing not to commit, or otherwise not wanting to remain at the Focus School, may seek to transfer pursuant to Article XI of the District-UTLA Agreement, and nothing herein restricts the right of the Principal to initiate transfers pursuant to Article XI, Section 2.0. Design Team members shall be insulated from displacement during the first implementation year.
- E. Characteristics of High Quality will be determined by the Superintendent or designee, but will involve evidence of careful analysis and planning, reasonable identified multi-faceted goals and

criteria for expected progress in student achievement, and milestones and timelines to which the school is committing to meet the goals and/or demonstrate reasonable progress. The Superintendent will advise the schools as to the criteria that will be applied, which are expected to be similar to the criteria used to judge the applicant Instructional Plans under PSC, and will upon request consult with UTLA and/or AALA regarding such criteria. All Instructional Plans submitted by the applicant shall be promptly reviewed by a panel of District, UTLA and AALA instructional experts who will issue recommendations to the Superintendent regarding the Plans.

- F. Instructional Plans that are not approved by the Superintendent will be returned to the plan writers with comments, so that they will have a reasonable opportunity to amend the Plan to address the identified weaknesses. If that amended plan is still not approved as being of high quality, the District, UTLA and AALA may themselves jointly develop the high-quality plan for the school.
- G. Stabilization: Approved Plans will be used by the school, and the District, to guide, measure and monitor the school's progress. So long as schools meet the Instructional Plan's goals, and demonstrate continued reasonable progress toward overall improvement, they will remain subject to all District monitoring and supervision as needed, but will not be placed on the PSC list or otherwise subjected to intervention for a period of three full school years following approval of the Plan. However, should the school persist in underperforming or fail to meet its designated benchmarks, it may be subject to any of the interventions specified under NCLB or its equivalent, with the exception of turning control of the school over to a non-District operator.
- H. Package of Supports for the Above Schools (Within Existing Personnel and Existing Financial Resources):
 - 1. The parties, in collaboration with AALA, will develop collaborative intervention teams, trained by expert personnel from the District, UTLA, AALA and other available resources. Those intervention teams will, under the overall direction of the Local Options Oversight Committee (Section V-A below) will be expected to provide the following kinds of services to schools:
 - a. Collaborative communication and decision-making skills training, including the development of school leadership resources;
 - b. Sharing of best practices that have been successful in high-needs schools;
 - c. Developing school plans that are not merely compliance documents, but rather targeted to ensure that all students are learning at high levels;
 - d. Strategies to improve English Language Learner reclassification rates;
 - e. Focusing local discretionary funds to maximize student performance;
 - f. Data analysis of student work;

- g. Strategies for providing professional development that focuses on instruction and formative assessment, including differentiation of instruction (large group, team teaching, flexible groups, tutors and classroom management); and
 - h. Assist in facilitating collaboration and communication strategies by administrative-teacher teams and possibly by other consultants (e.g., LASDI).
2. **University and Other External Sources of Support:** The parties will collaborate to utilize university and other external sources to provide expertise in the areas of school improvement and improved instruction for high-needs students, including the formation of public-private partnerships.
 3. **Additional classroom supports:** The District shall utilize the pool of displaced teachers to provide additional classroom support such as intervention services, tutoring, CAHSEE support, class coverage support, etc., subject to participation and recommendations from the appropriate intervention team, and not subject to “mutual consent”.
 4. **National Board Certified teachers:** Utilize existing required additional hours of National Board Certified teachers at the site or at a nearby site, to assist with the design and implementation of professional development programs to improve instruction.
 5. **Implement expanded learning time for at-risk students by providing, for example:**
 - a. A before-school component providing breakfast and academic assistance.
 - b. A recess component to teach student leadership, sportsmanship and conflict resolution.
 - c. An after-school component to provide small-group or personal instruction for at-risk students and struggling learners.
 - d. Provide opportunity for middle and high school students to interact with positive role models in a safe environment.
 - I. **Potential Revenue Initiatives:** The parties will work together (subject to legal limitations) toward identifying critically needed financial resources, (e.g. a supplemental taxation measure), to support the improvement of the above-identified schools.

IV. Special Rules Governing PSC In-District Applications for New Schools

- A. **Plan Submissions:** If no proposed Instructional Plan for a new school is deemed “high quality” by the Superintendent, the District, UTLA and AALA will collaborate in the provision of guidance to those proposing the plan. If after remediation, the plan is still not of high quality, the District, UTLA and AALA may themselves jointly develop the high quality plan for that school.
- B. **Selection Procedures for Principals:** As soon as possible after an in-District Applicant’s plan has been approved and selected by the Superintendent as “high quality”, a Personnel Team shall be formed to select the new school’s Principal, and shall be comprised as follows:

1. Four teachers from relieved schools, selected by the Design Team;
2. An administrator from the Design Team or from one of the relieved school's School Site Council (but in neither case to be a candidate for the new school principal position), who will serve as an interim member of the Selection Committee;
3. Two parent representatives whose children are expected to attend the new school, selected by the parents from the relieved schools' School Site Councils;
4. A classified employee from one of the relieved schools, selected by classified employees;
5. For a high school, a student from the Design Team or a relieved school's student body president or student member of a relieved school's School Site Council;
6. A designee of UTLA; and
7. A designee of the Superintendent.

The Personnel Team's recommended selection is subject to the independent concurrence/consent of the Superintendent or designee. The selected new school Principal shall then replace the Personnel Team's interim administrative member for purposes of faculty selections described below.

C. Selection Procedures for New School Faculty:

1. The Principal, in close consultation with the Design Team, shall make a tentative determination as to the anticipated number and type (e.g. by department or by classification) of faculty positions anticipated for the new school based upon the District's enrollment projections and planned master schedule.
2. The designated members of the Design Team shall have preference for assignment to the new school, and in the event of staff reductions occurring within the first year of the new school's operation shall be insulated from such displacements.
3. The above-described Personnel Team shall, with the independent concurrence/consent of the Principal, be permitted to select District transfer applicants to fill a number of the new positions so that the total of such selections, when combined with the number of designated members of the Design Team, will constitute up to 50% of the initial full complement of faculty at the new school. The purpose of this exception to Article XI, Section 16.0 is to assure that the Design Team and Personnel Team can in their discretion recruit a significant number of key faculty whom they believe to be committed adherents to the new school's Instructional Plan and to fill any special skills, experience or emphasis needs that they believe would strengthen the launch of the new school. All such placements will involve completion by the transferring teachers of a written Commitment to the Instructional Plan. The District and UTLA will jointly develop a standard recommended form for such Commitments.

4. All other initial positions at the new school shall be filled under Article XI, Section 16.0 with the following modifications:
 - i. There will be Design Team presentations at the relieved schools regarding the features and details of the approved Instructional Plan, before voluntary transfer requests are to be submitted by staff at relieved schools;
 - ii. Assignment of staff shall be a collaborative process (through a District/UTLA joint committee composed of a Design Team designee, the new principal, a UTLA designee and a District representative), to assist in the transfer process, taking into account credentials, experience and instructional program/student needs; and
 - iii. All such placements are subject to agreement by the transferring teachers with the school's agreement relating to Commitment to the Instructional Plan.
 5. Subsequent Openings: Once the full initial complement of faculty has been selected as provided above, subsequent openings at the new school will be filled by eligible applicants through the Personnel Team process, including the independent role of the Principal in such decisions, or in compliance with the eventual governance plan adopted by the school to the extent that such governance plan specifies different staff selection matters.
- D. Implementation of New School Instructional Plan, Related Waivers: The Design Team's approved Instructional Plan shall be fully implemented with the opening of the new school, with automatic waivers hereby granted by the District and UTLA with respect to any aspects of the approved Instructional Plan that involve local policies falling within the scope of the Local Initiative School Option (see Section I-C above), provided, that Items #10 and #11 on the Section I-C list shall not be subject to such automatic waiver and must instead be subsumed within Item #15 for this purpose. This does not itself, however, make the new school a Local Initiative School for governance purposes (see below). In addition to such automatic waivers, the District and UTLA will, as part of the PSC plan approval process, also consider and determine approval/non-approval of any other waivers needed for the Instructional Plan but not covered by the specific Local Initiative subject matters.

Note: Because these options, opportunities and limitations were not known to Design Teams prior to their November 18, 2011 application deadline, additional time will be granted and specified by the District (but not earlier than January 15, 2012) for Design Teams to revise and re-submit their Instructional Plans and their PSC 3.0 new school applications.

- E. Governance Matters: The new school's decision as to which alternative governance model to adopt (such as Local Initiative, Pilot, ESBMM, or Traditional if no alternative option is selected), shall be deferred until Spring of the new school's first year of operation, in order to provide time for the full complement of faculty to be assembled, become familiar with the school, and be provided training and deliberation time regarding that decision. The District and UTLA shall jointly develop such training program. In the interim, the new school shall operate under Article XXVII for school governance purposes. Automatic approvals/waivers, with no numerical "caps," will be granted by the District and UTLA as to the new school's eventual selection of governance model and related provisions, so long as there has been compliance with the requisite process for adoption of such model, (including, e.g. for Pilots, the RFP, Pilot Steering Committee

review/approval process and Pilot voting approval requirements). Adoption of any particular governance model shall not itself affect the automatic or discretionary waivers to be granted under paragraph C above.

- F. End of First Year Staffing: New school teachers who wish to opt out at the end of the first year may apply for transfer pursuant to Article XI of the District-UTLA Agreement, and nothing herein restricts the right of the principal to initiate transfers pursuant to Article XI, Section 2.0.

V. General Provisions Covering All Local Governance Models (Local Initiative Schools, Pilot Schools, ESBMM, SBM)

A. Dispute Resolution Procedures:

1. The District, UTLA and AALA shall each appoint two members of a six-member Local Options Oversight Committee, chosen based on their broad experience with the District's academic programs, with school operations, with the operations/functions of the various local reform options in the context of the Federal and State versions of applicable educational reform statutes, with the applicable labor Agreements, and with sound principles of dispute resolution, consensus-building, cooperative labor relations, and mediation. These committee members are to serve at the pleasure of their appointing entity. Compensation will be shared equally by appointing entities.
2. This Committee is to work together toward successful implementation of these reform initiatives and plans. They may organize their various efforts as they deem appropriate, in terms of whether they will for particular issues function as a full committee or delegate tasks to sub-groups such as a pair of members or an individual member. Whenever possible, they shall ground their mediatory efforts upon the applicable School Instructional Plan/Single Plan for School Improvement as a primary reference. They are a mediatory body rather than a decision-making body, though they also retain the ability to make confidential recommendations to disputants, to District management and to their appointing entities, and also may contract with a respected neutral to make recommendations. Their services and actions shall serve as the final step of any disputes arising under the provisions of this document (except as expressly provided herein). Their primary roles will be:
 - a. To observe the operations of these local reform plans, and to work with outside groups for evaluation of the plans, and to advise their appointing entities as to recommended improvements;
 - b. To supervise and participate in the development of training programs related to the design, adoption, implementation and operation of the various local reform plans; and
 - c. To assist schools in resolving issues, conflicts, and disputes relating to the design, adoption, implementation and operation of the plans.

VI. Conforming Provisions

The parties agree to that the follow PSC-related matters shall be implemented:

1. Withdraw/Dismiss With Prejudice:
 - a. UTLA Grievance filed 12/21/09 – Public School Choice;
 - b. UTLA Grievance filed 08/16/10 – Public School Choice;
 - c. Henry Clay Middle School, PERB Case No. LA-CE-5571-E;
 - d. UTLA v. LAUSD, PERB Case No. LA-CE-5572-E; and
 - e. [UTLA v. LAUSD (Jordan, Clay), PERB Case No. LA-CE-5546-E].
2. All PSC-related Board Policies and Resolutions shall be deemed conformed to this MOU, including but not limited to the May 10, 2011 and August 30, 2011 resolutions.

VII. Duration

This MOU shall become effective upon final adoption by the Board of Education, and shall remain in effect through June 30, 2015. Negotiations for a successor MOU covering these subject matters may commence upon request of either party at any time after January 1, 2015.

Dated: November __, 2011

This tentative agreement is subject to ratification by UTLA membership, and final adoption by the Board of Education.

Los Angeles Unified School District

United Teachers Los Angeles

Dr. John Bowes
 Dr. John Deasy
 Richard Fisher
 Rob Samples
 Dr. Tom Stekol

Warren Fletcher
 Betty Forrester
 Sharon Harrison
 Joel Jordan
 Jesus Quinonez
 Juan Ramirez
 Gregg Solkovits

By: 

John E. Deasy, Ph. D., Superintendent

By: 

Warren Fletcher, President

Adopted and approved by the Board of Education on December __, 2011.

By: _____
 Monica Garcia, Board President