

**LOS ANGELES UNIFIED SCHOOL DISTRICT  
RESPONSE TO UNITED TEACHERS LOS ANGELES  
PUBLIC SCHOOL ACCOUNTABILITY PROPOSAL OF SEPTEMBER 15, 2017**

**NOVEMBER 2, 2017**

On September 15, 2017, UTLA put forth a proposal requiring that contractually created impact reports and "Co-Location Advisory Panel" procedures be completed before allowing for Proposition 39 co-locations.

Bargaining demands related to public policy advocacy are outside the scope of bargaining and are, indeed, prohibited by the Education Employment Relations Act ("EERA"). EERA specifically details those subjects that are within the scope of bargaining: "The scope of representation shall be limited to matters relating to wages, hours of employment and other terms and conditions of employment. 'Terms and conditions of employment' means health and welfare benefits . . . , leave, and transfer and reassignment policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security . . . , procedures for processing grievances . . . , the layoff of probationary certificated school district employees . . . and alternative compensation or benefits for employees adversely affected by pension limitations . . ." Gov Code § 3543.2(a)(1). EERA also explicitly provides that "[a]ll matters not specifically enumerated are reserved to the public school employer and may not be a subject of meeting and negotiating, except that this section does not limit the right of the public school employee to consult with any employees or employee organization on any matter outside the scope of representation." Gov Code § 3543(a)(4)(emphasis added).

Further, there is some question about the legality of UTLA's proposal. Mandating, through the collective bargaining process, additional studies, reports and procedures to be required prior to consideration and/or approval of any new school, co-location or re-organization of an existing school would conflict with Ed. Code Sec. 47614 and CCR Title 5, Sec. 11969.1 et seq., (Proposition 39 governing regulations). See also Ed. Code Sec. 47605.

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