

**LOS ANGELES UNIFIED SCHOOL DISTRICT
BARGAINING PROPOSAL TO UNITED TEACHERS LOS ANGELES
SEPTEMBER 15, 2017**

ARTICLE XX

**SUMMER/WINTER/INTERSESSION -
INTERVENTION/EXTENDED LEARNING PROGRAM SESSIONS**

1.0 General: Applicants must initially apply to one site and, if not selected at that school, must be available for all schools in that geographic area. For voluntary and mandatory student summer session (intervention)/ multitrack school intersession (intervention) and/or Extended Learning Program purposes, elementary, secondary and Special Education schools are considered to be a part of the geographic area in which they are located. For Designated Instructional Services (DIS) Programs, the program office shall be considered the school for application and assignment.

a. Applicants may apply for only one subject field and/or program.

b. Applicants must be available to serve at least 50% of the entire session. An applicant who accepts an assignment in writing and then declines, or begins work and then terminates the assignment, for reasons other than a verified illness shall be considered as having taught for the purpose of establishing priority for the next session.

c. 50% Rule for priority: An applicant who was paid in a status other than substitute for 50% or more of the hours the mandatory or voluntary student summer school ~~term/multitrack school intersession~~ and/or extended learning program was in session shall be considered to have taught for the purpose of determining priority rating.

d. ~~Multitrack year round school teachers shall not be permitted to serve in the single track school's regular K-12 summer school term or extended learning session program, but may serve during intersession programs in a multitrack school. (See Section 10.0 of this Article.)~~ [HOLD]

e. Employees whose basic assignment is limited to Adult Education shall be eligible solely for assignment in Adult Education summer session.

f. Each applicant shall be notified in writing as to assignment (or non-assignment) to a summer session.

2.0 Eligibility: Teaching Experience: Except for elementary teachers applying for all intervention/Extended Learning Programs, at time of application employees must be in permanent or probationary status, must have the appropriate credential, and must have taught as a regular classroom teacher or as a summer session or multitrack school intersession teacher in the subject

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field for which they apply. "Subject fields" shall, for purposes of this Article, be as reasonably designated by the District; e.g., Math and Advanced Math have been designated as separate subject fields, as have Physical Science and Biological Science.

a. Elementary school teachers applying for intervention and Extended Learning Programs, please see 13.0 below.

b. An employee who is on leave from the District for the semester prior to the summer session is not eligible for assignment.

c. An applicant who has received, within the most recent two school years immediately preceding the summer session assignment, an overall evaluation of or less than "meets or exceeds" or a Notice of Unsatisfactory Service or Act, or suspension shall not be assigned to a school without the consent of the principal or and program coordinator.

3.0 Selection - Secondary Schools First Round: Voluntary Summer school Term: Not less than ten working days prior to the deadline date for summer session applications, the District shall establish and distribute a list of schools for each geographic area showing the specific courses and/or Special Education programs that are planned to be offered at each school (listed by subject field).

a. Employees shall be selected at each school on the basis of priority and seniority as follows:

(1) Priority:

(i) Priority One-Regular classroom teachers who have taught the course(s) within the past six semesters and who taught less than 50% of the time during the previous session or who did not teach summer school term the previous year.

(ii) Priority Two-Regular classroom teachers who have taught the course(s) within the past six semesters and who taught 50% hours or more during the previous session, and employees currently not serving as regular classroom teachers who have taught the course(s) within the past six semesters.

(iii) Priority Three - All other eligible applicant including non-classroom teachers.

(2) Seniority: If there are more eligible applicants within each priority to teach a specific course at any one school than there are positions available, District seniority shall determine the selection. Ties in District

seniority shall be broken under the provisions of Article XI, Section 6.2.

- b. Priority 1 applicants shall be assigned before Priority 2 applicants.
- c. Priority 3 applicants shall be assigned to a geographic area pool. The applications of those not selected at the school to which they applied shall be forwarded to the appropriate geographic area pool for possible future assignment in priority and seniority order, pursuant to 5.0 below.

The only exception to the above selection criteria shall occur when the site administrator reasonably determines that any specific assignment is not in the best interests of the educational program.

4.0 Selection – Secondary Second and Third Round: Voluntary Summer School Term: If any school is not completely staffed after the above process is completed due to a lack of eligible applicants to that school, unassigned applicants from the geographic area pools shall be assigned to the remaining vacant positions based upon teaching experience, priority, and seniority as described above.

- a. If vacancies remain after the second round, applicants from adjoining geographic areas shall be offered assignment, using the adjoining geographic area's priority/seniority lists. Refusal of an assignment in the third round shall not make the employee ineligible in the original geographic area should subsequent openings occur.

5.0 Selection - Elementary Schools, All Rounds: Summer School Term: Please see 13.0 below.

6.0 Displacements: Where and when a voluntary or mandatory summer school term session site becomes over-taught on or before norm date, teachers shall be displaced within a program or subject field based on District seniority within the priority categories, beginning with the lowest priority. Additionally, in elementary schools, the criteria referenced in 13.0 will be considered. The only exception to this displacement criteria shall occur when the site administrator reasonably determines that any specific assignment is not in the best interests of the educational program. Applications of teachers so displaced shall be forwarded to the appropriate geographic area pool for assignment to openings based upon priority and seniority in any of the summer school term /intervention programs for which they are authorized to teach.

- a. When a site is deleted, those who had been assigned to that site will be placed in the appropriate geographic area pool and given preference within their priority category for assignment to vacancies in other schools in that geographic area in any of the summer school term /intervention programs for which they are authorized to teach.

7.0 Salary: Summer session and multitrack school intersession teachers who are paid on a pay period rate during the regular school year shall be paid at a rate equal to 1.09224 times their scheduled hourly rate as subject to the compensation restoration formulas set forth in appendix F and Article XIV, Section 1.0. unless otherwise stated in 13.0 below.

a. Employees assigned to full-time (6 or 8 hour) positions, such as extended school year program and development centers, shall be paid at their regular hourly rates.

b. Those who during the regular school year are paid on an hourly rate (e.g., Adult Education teachers) shall continue on that hourly rate if working in an Adult Education summer session.

c. For payroll computation purposes only, basic assignment hours (i.e., 4, 5 or 6 hours) are not to affect or reduce the actual hours of service and duties as required in Section 8.0 or 13.0 of this article.

d. Employees shall be paid only for the actual days/hours of the summer session or multitrack year-round school intersession assignment. Holidays that fall within the summer session shall be unassigned and unpaid days/hours unless the employee is paid for the holiday as part of the regular basic assignment, e.g., Martin Luther King, Jr. Day.

8.0 Hours and Duties: Summer session/intersession teachers shall report to work each day at least ten (10) minutes before their first class begins. They shall then serve for a full day of instruction, as appropriate, exclusive of nutrition/recess (for those assigned for a four-hour day). They shall remain on site for at least ten minutes after dismissal of their last class. Summer session/intersession teachers are also required to perform reasonable pupil supervision duties and other professional obligations, as assigned.

9.0 Selection - Special Education Schools and Special Day Classes: First Round: All of the above provisions of this Article shall apply to the Special Education Extended-School-Year classes or DIS (itinerant) programs to be augmented as follows:

a. Continuity factor- (1) An applicant (whether permanent or (probationary) whose regular students (excluding RSP students) are anticipated (based upon student applications) to comprise 50% or more of the extended class shall receive the assignment; (2) if no teacher can qualify under the 50% factor, then next preference shall be to the most senior applicant whose regular students (excluding RSP students) are anticipated to comprise 33% or more of the class. If more than one teacher applicant in a departmentalized program qualifies under the above continuity guidelines, selection shall be based upon recency and seniority as provided above.

b. If openings remain, they shall be filled pursuant to Sections 3.0, 4.0, and 13.0, above. When Extended-School-Year assignments are made the Resource Specialist Program and Learning Handicapped

Special Day Class Program shall be considered the same subject field for purposes of recency.

c. Rather than using District pools, unassigned applicants from DIS (itinerant) programs shall be assigned from Special Education pools based on the program office location, utilizing teacher experience, priority, and seniority as described above.

The only exception to the above selection criteria shall occur when the site administrator reasonably determines that any specific assignment is not in the best interests of the educational program.

~~10.0 Voluntary Intersession - Multitrack Secondary Schools: Priority for assignment of applicants to intersession programs in multitrack schools shall be given to teachers currently assigned to that school. If more applicants apply than there are positions at the school, employees shall be selected for the assignments on the basis of priority and seniority as in 3.0 above.~~

~~a. Seniority: If there are more eligible applicants within each priority to teach a specific course at any one school than there are positions available, District seniority shall determine the selection. Ties in District shall be broken under the provisions of Article XI, Section 6.2. The remaining applicants shall be eligible for assignment as described under Section 13.0, Priority Five below. The posting and notice requirements of Section 3.0 and Sections 7.0 Salary and 8.0 Hours, Duties shall apply to intersession. [Hold]~~

11.0 Special Grievance Provision: Any employee who wishes to seek back pay due to a claimed violation of the selection and assignment rules of this Article must file a formal grievance under Article V within five (5) days of the written notice of assignment or non-assignment, or within five (5) days of the first day of summer session, or multitrack intersession, whichever is earlier. Any other alleged violations of this Article may be processed using the normal time line of Article V.

12.0 Summer Session Adult Education: Summer Session assignment in the Division of Adult and Career Education shall generally be governed by the foregoing provisions of this Article. However, the following exceptions shall apply: All references to "employees" in this Article are applicable to "personnel" as that term is used throughout Article XXI and in particular Section 1.1 thereof.

a. Only personnel who have taught in the Division during the past school year are eligible to apply for summer school term assignments. New personnel shall not be recruited to teach summer school term as long as qualified applicants remain unassigned.

b. Section 2.0a contains a reference to "permanent or probationary status" which does not apply to the Division.

c. References to are or regional organization are not applicable to the Division. Summer session assignments are a local site function. Qualified applicants from priority categories one, two, three, and four are to be processed at the local site; and the remaining unassigned applicants shall be referred to the Division Office for assignment to unfilled vacancies at other locations by priority, subject matter and longevity. The only exception to the priority criteria below shall occur when the site administrator reasonably determines that any specific assignment is not in the best interests of the educational program.

- (1) Priority One - Those teachers whose sole regular LAUSD assignment is with DACE and who have taught the course at least one semester/trimester in the past three years and did not teach the last summer session.
- (2) Priority Two - Those teachers whose sole regular LAUSD assignment is with DACE and who have taught the course at least one semester/trimester in the past three years and did teach the last summer session.
- (3) Priority Three - All other eligible LAUSD applicants.
- (4) Priority Four - All other eligible applicants.

d. Rather than "seniority" the Division utilizes a system of division longevity as defined in Article XXI, Section 4.7, b.

e. The provisions of Section 6.0 shall cease to be in effect when instruction commences; thereafter the class size minimums of Article XXI shall apply.

f. Compensation for Division summer session shall be the hourly rate as indicated in Section 7.0 c.

g. In place of Section 8.0, the maximum weekly summer session assignment in the Division shall be twenty hours per week. However, combination assignments and assignments limited to funding under other sources such as ROC/ROP, GISP or ABE will have a thirty hours per week maximum. Any exception to the above limitations may only be made with the approval of the Division Superintendent under compelling circumstances.

h. Substitute provisions for the Division (as provided in Article XXI) shall apply to summer session.

i. Sections 9.0 and 10.0 of this Article are not applicable to the Division.

13.0 Elementary School: Intervention/Extended Learning Programs: Intervention/Extended Learning Programs assignments in grades K-8 (but does not include the Middle School Summer School Term or Multitrack Middle School Intersession Program) shall generally be governed by the foregoing provisions of this Article, however, the following shall also apply:

a. Selection:

- (1) Priority One - Permanent teacher at the local site in the affected grades/subject fields with appropriate authorization and extensive training in the grade/subject field as evidenced by:
 - (i) Special credential and/or certificate or Board Permit or
 - (ii) Successful completion of specialized training and
 - (iii) Necessary qualifications to teach English Language Learners, Special Ed., etc.
- (2) Priority Two - Same as above with experience in any other grades/subject field
- (3) Priority Three - Same as above with basic training in grades/subject field and in affected grades
- (4) Priority Four - Same as above with basic training in other than the affected grades/subject field
- (5) Priority Five - Permanent teacher in same priority order as above (#1-#4) but at other locations – A Local District-wide list of such employees who would be willing to work at another location will be established. All teachers with the appropriate qualifications within each of the above categories will be selected in seniority order.
- (6) Priority Six - Retiree with appropriate credentials, authorization and training
- (7) Priority Seven - Probationary teachers by seniority at the local site
- (8) Priority Eight - Emergency Permit teachers by contract date at the local site

b. Seniority: If there are more eligible applicants within each priority to teach a specific course at any one school than there are positions available, District seniority, on a rotational basis, shall determine the selection. An applicant who taught in the program during the previous session shall not be eligible for service until all teachers in the priority

grouping who did not teach the previous session are assigned. Ties in District seniority shall be broken under the provisions of Article XI, Section 6.2. The only exception to the above-referenced priority criteria shall occur when the site administrator reasonably determines that any specific assignment is not in the best interests of the educational program.

c. Compensation: Teachers who participate in such Extended Learning Programs shall be compensated on X basis (40thly hourly rate). The summer school term rate (Z basis at 40thly hourly rate + a differential factor of 1.09224) will be used only if the following conditions exist:

- (1) Class size in the affected grades are at or higher than the District class norm for summer school term/multitrack school intersession.
- (2) Student instructional hours are a minimum of ** four hours per day and the length of time which will make them eligible for class credit. (** Established length of time for summer school term/multitrack year-round school intersession is six weeks, however, the year-round school intersession may be broken up into two week or three week blocks of time for a total of six weeks.)

~~13.1 Mandatory Student Summer Session/Multitrack Intersession Elementary: For Weeks 1-6 teachers who participate shall be compensated at the summer school term rate (i.e., Z basis at 40thly hourly rate + differential factor of 1.09224) for four hours of instructional time per day.~~

~~a. For weeks 5 and 6 teachers who participate will receive an additional hour per day at X-basis for a total of 10 hours.~~

~~b. For year round schools, the number of weeks and or hours per day may vary, however, the number of auxiliary hours may not exceed a total of 10 hours per session.~~

~~13.2 Mandatory Student Summer School Term /Multitrack School Intersession/Intervention Selection - Elementary: All conditions for selection described above shall apply in addition to the following: Single track calendar sites with less than the specified number of eligible students will be combined within local District and treated as a single, local site.~~

~~a. Staffing for local District center sites (sites housing students from several sites) will be determined by the local District center principal using the above selection process (i.e. local District centers will be treated as single site).~~

~~14.0 Secondary School: Intervention/Extended Learning programs~~

a. ~~Selection: refer to section 3.0 above.~~

b. ~~Compensation: Teachers who participate in such mandatory intervention classes shall be compensated in the following manner:~~

(1) ~~For Weeks 1-6 Teachers will be compensated at the summer school term rate (i.e., Z-Basis at 10thly hourly rate + differential factor of 1.09224) for 4 hours of instructional time per day.~~

(2) ~~For Weeks 5 & 6 Teachers will receive an additional hour per day at X-basis for a total of 20 hours (i.e., auxiliary).~~

~~NOTE: For Year Round Schools, the number of weeks and or hours per day may vary, however, the number of auxiliary hours may not exceed a total of 10 hours per session. [Hold]~~

15.0 For any training required of these programs, the teacher will be compensated at X-bases basis (10thly hourly rate).