

## UPDATE

Week of October 10, 2011

### **BARGAINING BULLETIN** **Members Ratify Two Agreements**

AALA members resoundingly ratified our two tentative collective bargaining agreements with the District: the AALA/LAUSD Successor Agreement, 2011-2014, and the AALA/LAUSD Memorandum of Understanding (MOU) on *Phase II of the Educator Growth and Development Program, 2011-2012*. Both agreements are subject to LAUSD Board of Education approval. Voting took place online from September 28 through October 5, 2011, using Survey Monkey, a secure, confidential and reliable system. Online voting has proven to be convenient for members and saved the Association over \$4,000 in material, printing, postage and labor costs.

**Ratification Voting Results:** A total of 838 AALA members voted.

**AALA/LAUSD Successor Agreement, 2011-2014:** 801 (97%) voted to approve ratification, 24 voted against, 13 members sent in ballots without voting and 1 opted out.

**AALA/LAUSD MOU on *Phase II of the Educator Growth and Development Program, 2011-2012:*** 701 (nearly 90%) voted to approve ratification, 80 voted against and 87 skipped the question.

**Executive Summaries:** The complete agreements will be posted on the AALA website soon. Following are the Executive Summaries.

**AALA/LAUSD Successor Agreement, 2011-2014:** The current contract continues with the addition of the following new provisions:

The District will respond to AALA's requests for information within forty-eight hours, a substantial improvement over the current response time.

Seven additional articles of the contract will be subject to the grievance procedure, for a total of twelve, giving AALA members substantially increased protection.

When District resources permit, AALA and the District will negotiate salary increases, including the possibility of adding Step 6 and/or additional career increments on the Master Salary Table. An employee who is terminated from an A Basis assignment may defer the lump-sum payment of his/her accumulated vacation until retirement if he/she chooses to do so. An employee with an excess vacation accrual, upon request for a waiver, may have his/her vacation cap increased, based on the number of furlough days for that year. Negotiations regarding salaries and other compensation may be reopened after April 1, 2012, and April 1, 2013.

Negotiations may be reopened on other topics during the course of the agreement.

The Superintendent provided assurances that Administrative Regulations 4213 and 4214 will be improved with input from AALA. Upon completion of three years of administrative experience, an AALA member assigned via AR 4213 or 4214 will be informed in a timely manner that he/she has been regularized.

**BARGAINING BULLETIN (Continued)**

**AALA/LAUSD MOU on Phase II of the Educator Growth and Development Program, 2011-2012:**

The agreement is for one year only and will sunset June 30, 2012. Because the agreement is an MOU, AALA's current contract language related to Article VII (Evaluation) will remain intact during the course of the "pilot program."

Participating site administrators originally were to receive a stipend of \$1,500. However, AALA negotiated an increase in the stipend of \$1,000 per person, for a total of \$2,500 each. Principal Leaders (Directors) involved in the "pilot" will also receive stipends of \$2,500.

The confidentiality of individual AALA participants' responses on Phase II surveys will allow for candid assessments of and recommendations regarding Phase II and III program implementation. AALA participants retain the right to withdraw from the Pilot Program at any time at their personal discretion without detriment or retaliation. Should they withdraw, their program-related pay will be adjusted on a *pro rata* basis.

The Second Observer will conduct conferences with and observations of participating teachers only in the presence of the site administrator. There will be two observations. The principal will determine if a third observation will take place.

The District will share with AALA program data, survey results, assessments and information in a timely manner regarding Phase II. A single District contact in a line position will meet every month with AALA leadership to address concerns and issues related to Phase II. AALA retains the right to survey our own members about any aspect of Phase II (and plans to do so).

The District and AALA will negotiate in good faith regarding any potential changes in the evaluation of AALA members prior to implementation of Phase III (2012-2013). These negotiations will commence no later than November 1, 2011. "Good faith" negotiations may include impasse, mediation and fact-finding.

If the Board of Education approves this agreement, which AALA members have ratified, AALA's unfair labor practice complaint against the District (PERB case) will be withdrawn.

**The Issue of Working Conditions:** During negotiations for both agreements, the AALA Bargaining Team focused on mitigating the dramatically increased workload experienced by all administrators this year. AALA leadership will continue addressing the workload issue with the Superintendent and senior staff members (see article, Page 3).

We anticipate that administrative workload will be a major topic of negotiations when bargaining commences this month regarding *Phase III of the Educator Growth and Development Program, 2012-2013*. During Phase III, the District currently plans full-scale implementation of the revamped teacher and administrator evaluation systems, which have the potential to affect the professional responsibilities and working conditions of every AALA member for the foreseeable future.

**ADMINISTRATORS' WORKLOAD, Part 5**

Last April the Superintendent invited site-based administrators to participate in *Phase II of the Educator Growth and Development Program* (“Pilot Program”). They either volunteered or were coaxed to sign on by their Local District Superintendent. However, supervisory administrators who work in the Beaudry building and other District offices did not have the choice to volunteer. Instead, personnel in the new Talent Management Office were empowered to direct them to serve as “second observers,” a further increase in their already heavy workload.

Calls and e-mails to the AALA office have indicated that while the second observer training may have had good points, it was very time consuming, and participants received inadequate responses to their many questions. Subsequently, program coordination has been inconsistent and communication has lacked timeliness. One supervisory administrator, who was drafted to be a second observer, informed AALA:

The training caused us to walk away from our heavily laden workload for five days. There is the expectation that we continue training to become officially certified, not conditionally certified, again, taking time away from our regular assignment. We don't even know if/when we will be called in to make second observations. Should we invest the time? Will we be called out? How often and by whom?

We were never asked to volunteer to participate in this pilot the way the principals and teachers were, but we will give the same time and effort to those that require our services and expertise. None of the second observers that I know want to be ill prepared for the task. We consider ourselves as supports to the schools, and many of these principals are our friends and colleagues. We don't want to embarrass ourselves or be of little value to the process.

But on the other hand, how much time should we invest—in addition to our regular workload—to be proficient in a task we may or may not be asked to perform? We need clarification of our responsibilities including specific details. What is the process for assigning second observers? Will we be assigned again or will we be asked to volunteer?

Is there a glut or dearth of second observers? How many hours will we be expected to “donate” to the District to participate in this program in terms of spending extra hours to complete our current responsibilities? And what about conflicts within our jobs? To really be of service to the schools, we need to calendar in advance the observations and conferences to avoid work conflicts.

An AALA supervisory member serving as a second observer received an e-mail from a principal informing him he is to attend a preobservation conference with a teacher before school one day and return for the observation three days later in the morning. The post observation conference was scheduled for the afternoon of the observation day. The second observer received no other

## ADMINISTRATORS' WORKLOAD, Part 5 (Continued)

communication. It is not clear whether the e-mail message was sent by the principal or an outside service hired for this purpose.

Apparently, no consideration was given to the supervisory administrator's regular workload or commitments on either day. The school to which he was assigned is in the South Bay, which means he will spend much of his day traveling on the 110 Freeway. Did anyone in the Talent Management Office consider contacting the second observer to find out if the assigned conference and observation dates fit his schedule? It certainly does not appear so.

As the administrative workload increases, AALA urges the Superintendent's staff to increase their sensitivity and improve the quality of District communication. Allow supervisory administrators to balance their primary job responsibilities with their service as second observers. The Talent Management Office needs to improve their program coordination and communication with talent. A course in Administrative Leadership 101 should be given serious consideration. AALA will be glad to assist!

## CHARTER SCHOOLS AND CIVIL RIGHTS

The LAUSD Board of Education approved four charter petitions on October 4, 2011, with notably limited discussion. **Board Member Steve Zimmer** commented that Larchmont Charter, which is 51% white, does not reflect area student demographics and bemoaned the District's inability to deny the charter petition based on limited statutory guidelines. AALA Strategist and history teacher, **David Tokofsky**, reminded the Board that State law allows for denial if a charter exhibits an "unsound educational program." He added that the U.S. Supreme Court's 1954 *Brown v. Board of Education* decision held that segregated schools are inherently unequal. Asserting that segregated schools are, in essence, educationally unsound, he suggested that the Board ask the District's legal and educational leadership to delineate clear guidelines defining unsound educational programs.

The Board also approved three KIPP charters. KIPP's national reputation is propelled by the billionaire funders who help them run programs that cost far more than public school programs in California. Mr. Tokofsky informed the Board that in New Orleans KIPP was named in a lawsuit regarding discrimination against students with disabilities. The suit was brought by the Southern Poverty Law Center, the Southern Disability Law Center and the Stuart H. Smith Law Clinic and Center for Social Justice, Loyola University New Orleans College of Law. In the suit, KIPP is accused of non-compliance with ADA, IDEA and the 14<sup>th</sup> Amendment.

## HEALTH BENEFITS UPDATE

The Health Benefits Committee (HBC), which negotiates health benefits on behalf of all LAUSD unions including AALA, has reached an agreement with the District to extend the current health benefits agreement for another year (for details, see *Health Benefits FAQ*, Page 5). The HBC, which is making every effort to negotiate a three-year agreement with the District, submitted its collective bargaining proposal for 2012-2015 during the first week in October and is awaiting the District's response. We will continue to provide details in *Update* regarding all aspects of health benefits as negotiations proceed.

**HEALTH BENEFITS FAQ**

*Topic: Your health benefit plans—no major changes for 2012*

**Does this mean that my plan will remain essentially the same, including copays, deductibles, annual out-of-pocket maximums and prescription costs?**

Yes, despite a nearly 10% increase in total premium costs for the District's health benefits package, the Health Benefits Committee (HBC) has maintained 2011 coverage for 2012, with enhancements to the VSP vision plan and a plan name change for SecureHorizons. Maintaining 2011 level of benefits was made possible due to cost savings implemented in prior years. Members may recall increases in copays, deductibles, annual out-of-pocket limits and prescription costs across most plans in 2010.

**What are the vision plan enhancements for 2012?**

The vision plan offered by VSP for 2012 expands the number of providers and access points, adding 106 additional doctors in California. Polycarbonate lenses are now part of the discounted pricing, with dependent children receiving full coverage for polycarbonates. Frames are covered in full up to the retail allowance of \$100, and now VSP will provide 20% off of any amount above the \$100. If contact lenses are prescribed as necessary for better visual correction, they are covered-in-full. Unlimited additional pairs of prescription glasses and/or nonprescription glasses receive a 20% discount.

**Will the SecureHorizon name change also mean a change in benefits?**

No, benefits will remain the same. The new name will be UnitedHealthcare® Group Medicare Advantage HMO.

**My spouse and I are both District employees and participate in the "Medical Opt-out/Cash Back" program. Do we need to reenroll each year?**

No, opt-out rolls over each year until the employee opts back in by electing a medical plan during Open Enrollment or loses eligibility due to retiring or separating from the District. The employee who opts out still retains his/her own dental and vision coverage.

**I have a Health Care Flexible Spending Account (FSA) to pay for orthodontia costs, medical and dental deductibles and copays, glasses and prescriptions. Do I have to renew my FSA each year?**

Yes, you must reenroll each year and designate the amount you anticipate spending for the next year. Remember that you can set aside a maximum of \$5,000, tax-free, to cover out-of-pocket medical expenses. The District will mail out an FSA newsletter with detailed information to all active employees with their Open Enrollment materials.

**When is Open Enrollment?**

The Open Enrollment dates are November 1 through November 20, 2011. The next FAQ will provide general information about the Open Enrollment process to help members plan for any changes they may wish to make.

Legal Brief

**VISITORS ON CAMPUS AND DEALING WITH DISRUPTIONS**

Schools welcome parent and community involvement, and schools are often centers for the surrounding community. However, the main purpose of schools is providing an education to students. Under the law, schools are not considered open to the public, or a public forum, such as a public park or sidewalk. Instead, schools are considered a “limited public forum” and may limit public access in accordance with reasonable regulations set by the school.

Under federal and state laws, parents have a number of rights with regard to their children’s education. For example, Education Code section 51101 (a) (1) and (2) give parents and legal guardians the right to a classroom observation or a teacher conference “within a reasonable time of the request.” Schools should consider this reasonableness standard in reviewing and adopting Visitor Policies (see Bulletin 1325 for general guidelines and topics to include). These policies can clarify items such as sign-in procedures, classroom observation requests, and authorization to access different areas on campus. A School Visitor Policy might include a reference to Board Rule 1265, which states that “No person shall visit or audit a classroom or other school activity, nor shall any person remain on Los Angeles Unified School District premises, without the approval of the principal or authorized representative.” Another Board Rule that might be referenced in the School Visitor Policy is Board Rule 1252, which prohibits photographs from being taken on District premises, particularly of students, without prior authorization.

If a disruption to the educational program or school operations occurs, school administrators have legal support in responding. The California Constitution requires schools to ensure a safe, secure and peaceful environment for students and employees (Article I, Section 28). Several Education Code and Penal Code provisions, along with Board Rules and policies, allow school administrators to set additional limitations on campus access when an individual, including a parent, is disruptive. For example, California Education Code sections 44810 and 44811 prohibit disruption of school activities by visitors, including parents. Should a disruption occur, the school administrator has the authority to demand that the disruptive party stop the behavior and/or leave the campus. If the disruptive party fails to leave the campus at the direction of the principal, the principal may contact law enforcement and the disruptive party may face criminal charges under Education Code sections 44810 and 44811, California Penal Code sections 626.6 and/or 626.8, as well as charges under applicable municipal codes. In addition, the principal may follow up after an incident of substantial disruption with a letter limiting access to campus. Principals may contact the Office of the General Counsel for additional assistance.

*This LAUSD Legal Brief is for information only and does not constitute legal advice. Please contact the Office of the General Counsel to determine how this information may apply to your school's specific facts and circumstances.*

## **FALL RECEPTION HONORING HARDWORKING ADMINISTRATORS**

AALA'S annual reception to honor its members for their extraordinary administrative leadership was held on Wednesday, October 5, at The Center at Cathedral Plaza. Approximately 300 active and retired members attended the reception and enjoyed a delightful buffet of Italian, Southwestern, and Asian hors d'oeuvres while reconnecting with many of their friends and colleagues. From all observations and comments heard, it was an enjoyable evening for everyone. **Dr. Judith Perez**, President, presided over a program that included brief presentations by **Superintendent John Deasy** and **Board Member Marguerite Poindexter LaMotte**. Both Superintendent Deasy and Board Member LaMotte thanked the administrators for their dedicated leadership. Also, **Tammy Camarillo**, representing **Board Member Steve Zimmer**, presented Judy Perez a Board Proclamation in honor of AALA's 30<sup>th</sup> Anniversary. Other introductions included Local District Superintendents, LAUSD Senior Staff, retired superintendents and leaders of AALA's new classified unit.

For the second year, AALA was fortunate to secure generous sponsors for the reception. There were three levels of sponsorship: Platinum, Gold, and Bronze. Representatives from each sponsoring group were introduced and thanked for their generosity, and a representative from each of the Platinum sponsors addressed the guests briefly. The following are this year's sponsors:

### PLATINUM LEVEL

Blackboard Connect Inc. (second year)  
McGraw-Hill Education (second Year)  
Parenting Partners

### GOLD LEVEL

Apple, Inc.  
Cambium Learning, Voyager  
Evan-Moor School Publishing Group  
Houghton Mifflin Harcourt/Holt McDougal (second year)  
Lightspeed Technologies, Inc. (second year)  
The Macbeth Wealth Management and Retirement Group (second year)  
Parker & Covert LLP (second year)  
Pearson Digital Learning – GOLD + (second year)  
REM4ed – Readiness and Emergency Management (second year)  
Renaissance Learning  
Revolution K-12 (second year)  
Teacher Created Materials  
Time Warner Cable/C-SPAN

### BRONZE LEVEL

Kindel Gagan  
Scholastic, Inc.  
SchoolsFirst Federal Credit Union (second year)  
Specialists in Long Term Care Insurance Services, Inc. (second year)  
Urban Education Leaders Program, Teachers College, Columbia University (second year)  
Vasquez & Company LLP

The evening concluded with each guest receiving commemorative gifts.

## SAVE THE DATES

**FRIDAY, OCTOBER 21 – SUNDAY, OCTOBER 23, 2011** – The Council of Black Administrators (COBA) will be holding its **Annual Professional Development Seminar** at the Embassy Suites Hotel, 1325 East Dyer Road, Santa Ana, CA. Deadline for Preregistration is Friday, October 7, 2011. For more information contact **Sharon Brown** at 310.225.4227 or [sib8612@lausd.net](mailto:sib8612@lausd.net), or **Simone Charles** at [simone.charles@lausd.net](mailto:simone.charles@lausd.net).

**WEDNESDAY, OCTOBER 26, 2011** – The **Benjamin Banneker Association** invites all Math Colleagues from K-12 to a meet and greet "**Happy Hour**," 4:30 – 6:30 p.m., at the California Science Center, 700 Exposition Park Drive, Los Angeles. Scholarship and Grant information to Math Conferences 2011-2012, a Panel Discussion and Math Raps will be provided. For more information contact Benjamin Banneker Association at 424.234.3585 or [www.bennekermath.org](http://www.bennekermath.org).

## POSITIONS AVAILABLE

**Minimum Qualifications:** Candidates are responsible for making sure all the District requirements have been met. Do not contact AALA for information regarding positions. Use the listed contact phone number.

### **CERTIFICATED POSITIONS**

#### ***PRINCIPAL, SECONDARY***

**Edison MS (7) MST 45**, 6500 Hooper Avenue, Los Angeles, CA 90001  
Edison is an E Basis school. For information and application procedures contact **Daryl Narimatsu**, Principal Leader, at 323.242.1314. **Filing deadline is Friday, October 14, 2011.**

The following positions are available to view in their entirety by going to [http://certificated.lausd.k12.ca.us/admin\\_vacancies](http://certificated.lausd.k12.ca.us/admin_vacancies). Select School-Based and Non-School-Based positions and click on any position to view the specific flyer.

POSITION	LOCATION	CONTACT	DEADLINE
<b>Instructional Specialist</b>	West Adams Prep HS	213.745.4929	<b>Extended 10/14/11</b>
<b>Instructional Specialist</b>	Sun Valley MS	818.252.5400	10/11/11

  

POSITION	DEADLINE
<ul style="list-style-type: none"> <li>• <b>COORDINATOR, LOCAL DISTRICT Pre-K–12 SCHOOL COUNSELING, MST 41 (Temp. Adv.), Opening in Local District 1, Office of Curriculum, Instruction and School Support.</b> Contact <b>Graciela Gonzalez</b> (on behalf of <b>Nader Delnavaz</b>, Administrative Coordinator) at 213.241.5333.</li> </ul>	<b>5:00 p.m. Tue., Oct. 11, 2011</b>

### **JOB OPPORTUNITY –**

#### ***Induction Director of the Los Angeles Urban Teacher Residency (LAUTR)***

The Induction Director of the Los Angeles Urban Teacher Residency will be responsible for overall design of the induction period for new teachers as part of a team to successfully launch the Los Angeles Urban Teacher Residency.

For complete job description, please visit [www.ccebos.org](http://www.ccebos.org). Interested applicants should send a cover letter and resume to W. Willis at [wwillis@ccebos.org](mailto:wwillis@ccebos.org) **no later than October 19, 2011.**