

UNITED TEACHERS LOS ANGELES
Bargaining Proposal
October 4, 2017

ARTICLE XI - TRANSFERS

- ~~1.3 Compliance with SB 1665 (Scott Bill): Notwithstanding any other provision of this Agreement:~~
- ~~a. All voluntary transfers of teachers to a K-12 school ranked in deciles 1 to 3, inclusive, on the Academic Performance Index shall comply with section 35036 of the Education Code.~~
 - ~~b. No priority will be given to a request for a voluntary transfer by a certificated person after April 15 of the school year prior to the school year in which the transfer would become effective if other qualified applicants have applied for positions requiring certification qualification at the receiving school.~~
- 2.0 Administrative Transfers: The District may, for any reason not prohibited in the balance of this Article (including the incorporated Appendices) transfer employees when such action is deemed to be in the best interest of the educational program of the District. ~~Whenever possible,~~ The employee shall be notified and counseled regarding the transfer, and written reason(s) for such transfer shall, upon the employee's request, be supplied to the employee. Such transfers shall not be made for arbitrary, capricious, or discriminatory reasons. Accusations of discrimination shall be handled under the appropriate statutory procedures rather than the grievance process.
- 6.0 Displacement - Over-teachered Schools: An over-teachered condition exists when there are more qualified teachers than positions at a school or within a program or subject field at a school, or when a program or subject field is reduced, eliminated or moved from a school. When an over-teachered condition exists, the ~~following~~ procedures below shall apply. No displacements based on over-teachered conditions shall occur after Norm Day, herein defined as the last instructional day of the fifth week from the beginning of each school year.
- a. The local school leadership council administrator ~~administrator~~ shall reasonably determine whether and in what program/subject field the over-teachered condition exists and shall inform the faculty of the number of positions being eliminated. ~~(Note Article XVIII, Sections 1.1 to 1.3)~~
 - b. An employee may ~~agree~~ volunteer to be displaced when an over-teachered condition exists. Such displacement ~~requires the concurrence of the employee and the current principal,~~ may be effected without a current transfer request on file, and shall not affect the employee's right to request a subsequent transfer. Such displacement carries no right to return to the home school. Such a teacher must accept all conditions for displacement and assignment which would have applied to other teachers being displaced.

- c. In elementary schools and programs such as Early Education Centers, Development Centers and ungraded programs, all teachers in the program at the site shall be deemed a single group for displacement purposes. In secondary schools, and in Special Education wherever located, displacement shall be by program/subject field and the program or subject field in which a teacher is considered for displacement purposes shall be the one in which the teacher has taught for the major portion of teaching time during the employee's most recent six semesters of regular classroom teacher experience. Within the above categories of employment, when there is an over-taught condition, the teacher with the least District seniority (see Section 6.2 below) will be displaced ~~unless it is reasonably determined at the discretion of the immediate administrator that such teacher possesses special instructional skills or qualifications needed by the pupils and the educational program at the school and not possessed by another teacher available to fill the need.~~ Additional provisions for Special Education teachers are set forth in paragraph j. below. In a secondary school or program, if the least senior teacher in the over-taught subject field has at least ten years of District seniority, the teacher shall be permitted, upon request, to change subject fields and thereby cause the displacement of another teacher in the other subject field who has at least five years less District seniority than the initially displaced teacher, but only if the following criteria are met by the more senior teacher possesses the requisite specified subject credential or a general secondary credential with a college major or minor or an advanced Degree in the second subject field.
- ~~(1) Must have taught in the second subject field the equivalent of at least six periods during the most recent six semesters without having received a Notice of Unsatisfactory Service or a below standard performance evaluation;~~
 - ~~(2) Either possesses the requisite specified subject credential or a general secondary credential with a college major or minor or an advanced Degree in the second subject field.~~
 - ~~(3) Passes the District's examination in the second subject field, if requested by the administrator.~~
- d. District identified disabled teachers assigned to facilities designed for the purpose of accommodating a District identified disability will not be displaced except where the teacher may be displaced to another facility which may reasonably accommodate the identified disability.
- e. ~~(Hold)~~
- f. Bilingual teachers teaching in Bilingual Master Plan programs (See Article XI-B) are exempted from displacement, provided they possess Bilingual Certificate of Competence, or "A" Level (high level of proficiency in conversation, reading and writing), or the "B" Level (high level in conversation, satisfactory in reading and writing).

- g. Where displacement is required by this Section but each of the teachers within the applicable subject field or elementary school group is exempt from displacement by virtue of some other provision of this Section, the teacher with the least District seniority will be reassigned to another school in the same geographic area.
- h. Part-time contract employees described in Article XIII, Section 1.2 (as distinguished from teachers on Half-time Leave and Reduced Workload Leave) shall have no transfer rights. In regard to displacement, such teachers shall have no seniority rights. ~~and they shall be retained at a school where a full-time teacher is displaced only when the part-time teacher possesses special instructional skills or qualifications needed by the pupils and the educational program in the school not possessed by a teacher who would be available to fill the need.~~
- i. In Special Education, the least senior teacher in the over-taught subject field shall be permitted, upon request, to change subject fields at the site within Special Education and thereby cause the displacement of another teacher in the other subject field who has less District seniority than the initially displaced teacher, but only if the following criteria are met by the more senior teacher: teacher possesses the requisite specified subject credential in the second subject field.

~~(1) Possesses the requisite specified subject credential in the second subject field.~~

~~(2) Must have taught, or practiced, in the second subject field or program without having received a Notice of Unsatisfactory Service or a Below Standard Performance Evaluation; and~~

~~(3) Must, in the reasonable judgment of the site administrator, be qualified to teach in the second subject field or program.~~

In addition, a displaced Special Education teacher may be reassigned to an opening outside of Special Education at the same site, but only if the displaced teacher is properly credentialed and previously served in the regular non-Special Education program at that same site immediately prior to taking the Special Education assignment.

- j. After one calendar year, the displaced Special Education teacher who was so reassigned shall have return rights to a Special Education opening at the site for which the teacher is qualified.
- k. Counselors possessing a teacher credential and having served more than 50% of their assignment as a counselor during the past 39 months will for the purpose of displacement be considered within the group of counselors that do not hold teaching credentials.
- l. For purposes of this article and the potential displacement of an employee based on an over-taught condition, all programs at a school shall be considered part of one program if there is only one principal at the school.

6.1 Displacement - Non school-based Support Service Personnel and Driver Safety Instructors: In any situation where a unit of geographic area or office-based support service personnel or Driver Safety Instructors is deemed over-staffed, displacement and transfer to another geographic area or office shall be by District seniority ~~unless the responsible administrator determines that a special need exists analogous to 6.0e.~~

7.1 Teachers on the district-wide transfer list shall be transferred in accordance with Article XI, Section 15.

12.0 Return Rights

a. Displaced teachers who fit into the following categories shall have return rights as set forth below:

(1) A teacher displaced from a school between the end of one semester and the fourth week of the next semester shall be returned to the school from which displaced if by the end of the fourth week, a vacancy occurs (based on the classification report) for which the displaced teacher is the most senior displaced "match" by reason of same subject field or grade (K-6). If such displaced teacher is not a "match", the teacher may nonetheless be returned to a vacancy in a different subject under the above circumstances if the teacher's credential permits.

~~(i) the teacher's credential permits~~

~~(ii) the teacher has some teaching experience in the subject during the preceding six semesters, and~~

~~(iii) the site administrator reasonably concludes that such a return is in the best interest of the educational program.~~

(2) A teacher displaced as a result of a school closure decision, reconfiguration, boundary change, or other action pursuant to Section 17.0 of this Article shall upon application be returned to the school from which displaced if before the end of the fourth week of the following fall semester a vacancy occurs for which the displaced teacher is the most senior displaced "match" by reason of the same subject field or grade level (K-6); if not a "match", the teacher must have the requisite credential for the vacancy meet the criteria in (1) (i) (a)(b) and (c) above.

13.0 Voluntary Continuous Service Transfers, K-12 Program:

13.1 ~~Teachers with permanent or continuing status may apply for transfer under this section if either:~~

a. ~~The teacher has, for at least eight consecutive years immediately preceding the proposed date of transfer, served at one or more locations currently designated as a Title I or Urban Impact I School, or~~

- b. ~~The teacher has, for at least four consecutive years immediately preceding the proposed date of transfer, served at a location not currently designated as Title I or Urban Impact I but is willing to transfer to a Title I or Urban Impact I school.~~

~~For the purposes of this section, a year is defined as 134 days of service. Time spent on formal leaves shall not count as time served, but shall not constitute a break in service.~~

- 13.2 ~~Application forms will be available on February 1 and must be filed by April 1 at an office designated by the District. Applications are valid for transfer for the following school year only (July 1 through June 30).~~

- 13.3 ~~Transfer applicants must make themselves available for transfer to at least two geographic areas by ranked preference, but may make themselves available for transfer to more than two areas.~~

- 13.4 ~~A Continuous Service Ranked Eligible List will be established by May 1 each year for each of the two categories identified in 14.1 above. Eligibility rank will be based solely on years of continuous service at qualifying locations as defined in 13.1 of this Section, with District seniority used to break ties. Applicants will be considered for transfer in rank order from each of the two lists. However, eligibility rank is subject to revision to comply with Section 1.2 of this Article.~~

- 13.5 ~~Seventy five applicants shall be transferred from category~~

~~(a) in 13.1 and 75 shall be transferred from category~~

~~(b) provided there are sufficient eligible applicants.~~

- 13.6 ~~By May 1, the District shall establish and post in a conspicuous place in the Certificated Placement and Assignments Office a list of schools with "known vacant positions" as defined in Section 12.1 above.~~

- 13.7 ~~Through May 15, interviews for positions are optional and may be initiated by applicants (who are placed on a Continuous Service Ranked Eligible List), by principals, or by the Personnel Division.~~

- 13.8 ~~Between May 15 and June 1, applicants on the Continuous Service Ranked Eligible Lists who have not been placed by May 15 shall be offered assignment by the District ("must place") to a school in one of the geographic areas specified in the application. Where necessary, displacements shall be made to accommodate applicants on the two Continuous Service Ranked Eligible Lists, except at UCTP locations. All placements and displacements shall conform to the following:~~

~~a. The District shall analyze both the applicants and the known vacancies in terms of credential, subject field, grade level (K-6), and skills in an effort to find "matches" of vacancies and applicants, and place eligible teachers in such known vacancies prior to the use of displacement.~~

- b. ~~If there is no vacancy remaining for an eligible teacher in anyone of the requested geographic areas, the District shall displace a teacher whom it has determined to be a "match" pursuant to the provisions of Section 6.0 of this Article.~~

~~13.9 The following procedures govern offers of transfer:~~

- a. ~~A teacher has up to 5 (five) calendar days from the date of the offer in which to irrevocably accept or reject transfer.~~
- b. ~~If an applicant refuses an offer of assignment (except a temporary assignment under 13.10 below) or fails to respond within the ten calendar days, the application will be voided for that school year.~~
- c. ~~If a teacher accepts an assignment, then later declines or cancels for any reason, the teacher is subject to transfer to that assignment. The waiting period to apply again under the Continuous Service Transfer program shall be as stated in Section 13.1.~~
- d. ~~The District shall continue to make offers of transfers up to and including June 25 in order to transfer 75 teachers from each category. Immediately after June 25, the District shall supply UTLA with lists of employees transferred pursuant to this section.~~

~~13.10 Assignments made to locations identified under 11.1b or 11.1e above may be temporary. In such cases the employee will be advised at the time of offer that the assignment is temporary in nature.~~

~~13.11 An eligible teacher transferred pursuant to this section shall not be subject to involuntary displacement from the new assignment for three school years, except those teachers in temporary assignments made under 14.10 above. However, those on temporary assignments shall be guaranteed retention in the geographic area for a minimum of three years. Time spent on leaves shall be counted toward this exemption, except time spent on formal leaves of absence as the result of an unprovoked act of violence (Special Physical Injury Leave) or a bonafide Industrial Injury or Illness Leave that does not exceed 60 working days.~~

~~13.12 No transfer shall be made under this section which causes a school on the receiving end of a transfer to become racially/ethnically imbalanced within the meaning of the Teacher Integration Program, Appendix B, Article XI, Section 6.0, or which adversely affects Rodriguez compliance.~~

15.0 Transfer Assignment Priority: Except where otherwise provided in the Agreement, teachers shall be transferred to schools with known vacant positions (Article XI, Section 12.0) for which they are qualified by credential, subject field(s), grade level (K-6) and skills. The District shall make a reasonable effort to accommodate employee assignment requests, with a primary objective of placement in the same Local District as their previous assignment or a geographically contiguous Local District using the following processes and procedures: in the following group order of priority:

- ~~a. Teachers covered by medical or hardship exemption (Article XI, Section 8.0) and guaranteed Continuous Service Transferees (Article XI, Section 12.0).~~
- ~~b. Certain teachers with return rights limited to:

 - ~~(1) Those teachers displaced between the end of one semester and the beginning of the next semester [Article XI, Section 12.0 (1)].~~~~
 - a. The District shall place teachers covered by a reasonable accommodation or hardship exemption.
 - b. The District shall post lists of current and anticipated vacancies, and lists of currently displaced teachers. Both lists shall be sorted by geographic area and credential authorization(s).
 - c. Teachers and schools shall be encouraged to contact one another regarding interviews and selection for placement by mutual consent.
 - d. In anticipation of an eventual mandatory placement, teachers may inform the District of their preferences for assignment by area and/or school.
 - e. During the last week of each school year, the District shall coordinate mandatory assignment of remaining displaced teachers to appropriate remaining vacancies. The District shall make a reasonable effort to accommodate employee assignment requests, with a primary objective of placement in the same Local District as their previous assignment or a geographically contiguous Local District. During this period, teachers may decline one (1) such assignment, provided that an appropriate alternative opening exists.
 - f. The mutual consent process described in b-c above shall be repeated through the month of July.
 - g. The mandatory placement process described in paragraphs d-e shall be repeated through the month of August and continue up to Norm Day.
 - h. After Norm Day of each school year, the District shall coordinate the mandatory assignment of remaining displaced teachers to appropriate remaining vacancies. Teachers may decline one (1) such assignment for strictly geographical reasons, provided that an appropriate alternative opening exists at that time.
 - ~~(2) Those teachers displaced as a result of a school closure decision, reconfiguration, or boundary change [Article XI, Section 12.0a (2)], and~~
 - ~~(3) Teachers returning to classrooms from non-classroom assignments (Article XI, Section 12.0 b.).~~

~~Teachers assigned to a school that is being converted to a Los Angeles Learning Center or a Charter School who do not wish to remain at such school may opt out by indicating so no later than May 15. Such teachers may take advantage of any transfer rights they~~

may have under the Agreement or will be transferred to a vacancy at a school within the geographic region in which the present school is located, or if no such vacancy exists, shall be transferred to another geographic area.

- d. ~~Teachers transferred either as a result of having opted out of the Year Round School Program (Article XI, Section 17.0) or Magnet School, or out of the EIS program (Article XI, 7.0 b) and unassigned teachers displaced from closed schools (Article XI, Section 16.0);~~
- e. ~~District Wide Transfer List. Displaced teachers (Article XI, Section 6.0, 7.0) and teachers returning from leaves with no right to return to a specific location (Article XI, Section 7.0a.)~~
- f. ~~Probationary contract waiver teachers, Section 7.5 of this Article.~~
- g. ~~Teachers transferred under the Voluntary Teacher Initiated Transfer Program, Section 5.0.~~
- h. ~~Teachers returning from Charter School Leave.~~
- i. ~~Teachers newly hired.~~

18.0 School Conversions: Prior to submitting an alternative program of choice conversion plan, including but not limited to a Magnet School or Magnet Center, to the LAUSD Board of Education for approval, a vote of the certificated bargaining unit staff assigned to the school shall be conducted by a UTLA representative, as appointed by the UTLA President. The vote shall be conducted by secret ballot and all certificated bargaining unit staff assigned to the school shall be eligible to vote. A vote of support by 67% of those certificated bargaining unit members assigned to the school shall be required for submission of the conversion plan to the Board of Education.

18.1 If a school or part of a school is to be converted from a traditional program to an alternative program of choice, including but not limited to a Magnet School or Magnet Center, all full-time certificated bargaining unit employees at the school shall have a right to assignment at the converted school and shall not be required to reapply for assignment to the school after conversion. Employees that do not wish to stay at the school shall be eligible for voluntary transfer, pursuant to the terms of Article XI, Section 5.0.