



**LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM**

TITLE: School Waivers for Alternative Configurations
NUMBER: MEM-6680.3
ISSUER: George Bartleson, Executive Director
Office of School Design Options
DATE: March 19, 2019

ROUTING
 LD Superintendents
 Administrators of Instruction
 Administrators of Operations
 Directors
 School-Site Principals
 Teachers
 Chapter Chairs
 Labor Relations
 Employee Performance
 Accountability Unit

PURPOSE: This memorandum is to explain the process to seek waiver(s) to certain sections of the Los Angeles Unified School District (LAUSD) / United Teachers of Los Angeles (UTLA) Collective Bargaining Agreements (CBAs) and/or District policy to accomplish improvements to the school-site learning culture.

MAJOR CHANGES: This memorandum replaces MEM-6680.2, *School Waivers for Alternative Configurations*, dated March 12, 2018. This revision updates the LAUSD/UTLA Waiver Request submission deadline and Single Track Instructional Calendar (Attachments A and C).

All Banked Time waivers should be held until the Online Bell Schedule Program becomes available for the 2019-2020 school year. No Banked Time waivers will be approved without the certified bell schedule that is approved by the Local District superintendent or designee.

For sites that have previously requested a side letter directly from Labor Relations, you must now follow the procedure listed in this memorandum to request waiver(s).

GUIDELINES: The following guidelines apply:

I. WAIVER PROCESS OVERVIEW

- A. School completes LAUSD/UTLA Waiver Request (Attachment A) for each waiver being requested. Schools must use the Waiver Request form included in this memorandum; waiver requests received on outdated forms will not be processed. For an electronic pdf fillable version of the latest waiver request form, please access this memorandum from the LAUSD eLibrary, or visit our website <https://achieve.lausd.net/sdo> and click on the 2019-2020 *School Waivers* link.



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- B. Schools submit waivers and related documentation to the Local District director for approval. The Local District superintendent or designee reviews waiver(s) and affixes his/her signature to approve, approve with conditions, or deny the waiver(s).
- C. Local District forwards the signed waiver to:
Office of School Design Options
Beaudry Building, 11th Floor
Attention: Elaine Kinoshita
- D. The Office of School Design Options collects and forwards all Local District approved waivers to Labor Relations for approval, then to UTLA. The Elementary or Secondary UTLA Vice President affixes a signature to approve, approve with conditions, or deny the waiver, and returns it to the Office of School Design Options (see section C above).
- E. Once signed waivers are returned to the Office of School Design Options, a copy of the fully executed waiver will be emailed to:
 - 1. Principal of the school submitting the waiver(s)
 - 2. Local District superintendent
 - 3. Office of Labor Relations

II. ON-SITE APPROVAL PROCESS FOR SCHOOLS

- A. The following procedures are required for submission of all school waivers to the LAUSD/UTLA CBA and must reference applicable pages in the *Single Plan for Student Achievement* (SPSA). All stakeholders must discuss the proposed change and approve the waiver(s) as follows:
 - 1. Two-thirds of UTLA bargaining unit members must approve the waiver in a formal voting process similar to that used for School Site Council.
 - 2. Formal approval by 50% + 1 of classified staff, in a formal voting process similar to that used for School Site Council, must be conducted.
 - 3. Formal approval by 50% + 1 of participating parent/community members, in a formal voting process similar to that used for School Site Council, must be conducted.
 - 4. Principal approval is required when submitting a waiver.
 - 5. School completes LAUSD/UTLA Waiver Request (Attachment A) for each waiver being requested.
 - 6. The school principal shall submit waivers and related documentation to the Local District director.



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III. PROCEDURES FOR COMMON TYPES OF WAIVERS

A. Banked Time Waivers

1. Banked-Time is when the number of minutes in an instructional day is extended on certain days to accommodate an early release on other days, maintaining the overall compliance with total number of required instructional minutes in accordance with District's policy as outlined in the memorandums for elementary, middle and high schools entitled *Daily and Annual Instructional Minutes Requirements and Certification of Bell Schedules* (published annually). See Related Resources section (page 7) for a list of applicable bulletins and memorandums.
2. Many school communities pursue increasing the number of Banked-Days to provide for more professional development opportunities and ensure that the schedule is the same throughout the year. The following are guidelines for this waiver:
 - a. Attach a copy of the school's certified bell schedule for the upcoming school year using the online bell schedule program.
 - b. The number of days (e.g., Tuesdays) varies from year to year. For example, there may be anywhere from 34 to 39 Tuesdays available for Banked-Time. Please verify that the number of Banked-Time days referenced in the waiver are the same as the number of Banked-Time days (Professional Development days) indicated in the Online Bell Schedule Program. See the Single Track Instructional Calendar (Attachment C) for convenience.
 - c. Verify that the total number of instructional minutes listed in the Online Bell Schedule Program for the year meets or exceeds the State and District instructional minute requirements.
 - d. School communities that wish to "swap" or "switch" banked time days, but not add additional days, do not need to complete a waiver. See the annual *School-Site Professional Development Priorities – Banked Time Days for Elementary Schools* memorandum, published annually, for more information.
3. Please note: Common Planning Time (Middle Schools only) does not necessitate banking time; however, the use of a Banked Time Waiver can achieve the same desired outcome as Common Planning Time without the loss of instructional minutes. A copy of the certified online bell schedule must accompany waivers for Common Planning Time.

B. Staff Selection and School-Site Councils/Local School Leadership Councils Waivers.

For assistance with these types of waivers, please contact your Staff Relations field director in the Local District office.



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IV. SPECIAL PROCEDURE - CLASS SIZE WAIVERS

In accordance with the recently revised Article XVIII, Section 4.0 (c) of the LAUSD/UTLA CBA, a school may seek waivers to class size requirements. Such waivers may be sought prior to the beginning of a school year, but must be received by the Local District office no later than September 6th of that school year.

If you have questions regarding Class Size Waivers, please contact your Staff Relations field director in the Local District office.

V. ONLINE BELL SCHEDULE PROGRAM

A. Banked-Time waivers or Common Planning Time waivers (in middle schools) must be submitted with a certified online bell schedule. Uncertified versions will be returned and will cause delay to the waiver approval process.

B. Bell Schedule Certification

1. Bell schedules must be submitted by school principals via the principals' portal, and approved by the Local District superintendent or designee prior to submitting a waiver.
2. A printed 2019-2020 certified (and approved) online bell schedule must accompany this type of waiver request, to notify the District that the number of instructional minutes in the school schedule referred to in the waiver request is in compliance with all District and State requirements.

VI. SCHOOL WAIVER DEADLINE

Waivers are required for changes from the bargaining unit agreements, District policies, or state regulations. Please contact the Office of Labor Relations for questions about waiver requests to any CBAs. For the 2019-2020 school year, schools are strongly encouraged to submit waiver requests to their Local District by April 17, 2019, to allow sufficient time for the Local District and UTLA to review the waiver, and for the Office of School Design Options to notify the principals as to the status of the request prior to the summer break.

Approved waivers will be implemented on July 1, 2019, and expire on June 30, 2020.



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Applications for all waivers must be approved by the Local District Superintendent, Labor Relations, and UTLA. The school may not implement any waiver changes until written approval has been received from the Office of School Design Options.

VII. AUTONOMIES

For more information on autonomies, please visit the Local Options Oversight Committee (LOOC) website at <http://achieve.lausd.net/looc>.

Current autonomous schools, such as Expanded School Based Management Model (ESBMM), Pilot or Local Initiative Schools (LIS) do not necessarily need to apply for the annual waivers. For questions about whether or not a school needs to apply for an annual waiver, or for more information about adopting an autonomy model, please email looc@lausd.net or contact Elaine Kinoshita at (213) 241- 8700.

VIII. LOCAL DISTRICT CONSIDERATIONS FOR WAIVER APPROVAL

- A. Review submitted waivers for individual schools with the following considerations:
1. The Local District superintendent or designee will review the waiver request in relation to how it will support student achievement and determine if the school may implement the waiver.
 2. Verify that the applicable procedures listed in this memorandum have been followed for the type of waiver submitted (e.g., correct number of days, votes, signatures, etc.).
 3. Any costs associated with the implementation of a waiver must be funded by the school or Local District. A waiver that negatively impacts another school cannot be approved (e.g., schools sharing bussing patterns).
 4. Waivers that request a variance from bargaining unit agreements, District policies, and/or State regulations cannot be implemented until the approved waiver request is returned to the school with the appropriate signatures.
 5. Waivers that may have Districtwide impact or that may affect bargaining unit agreements should be reviewed by the Office of Labor Relations.
 6. Waivers cannot be implemented until the approved waiver request is returned to the school with the appropriate signatures. Final copies will be returned to the school by the Office of School Design Options.



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7. Banked-Time waivers (including waivers for Common Planning Time in middle schools) submitted with bell schedules reflecting instructional minutes less than that of the Minimum Day schedule (i.e., less than 249 minutes for elementary schools and 247 minutes for secondary schools) may not be approved.
8. "LAUSD/UTLA Waiver Request" form requires a reason for denial or conditions for approval.

IX. LOCAL DISTRICT RESPONSIBILITY

- A. The Local District will prepare waiver documents for submission:
 1. Separate approved waivers from waivers that are denied.
 2. Send all waiver forms to Elaine Kinoshita, Office of School Design Options, Beaudry Building, 11th Floor, no later than the first Friday in May (i.e., May 3, 2019).
 3. Maintain file and master list of waivers at the Local District.

X. APPEAL PROCESS FOR SCHOOL-BASED MANAGEMENT (SBM) SCHOOLS ONLY

According to the LAUSD/UTLA CBA, Article XXVII, Section 3.2:

- A. A waiver request approved at a school according to applicable District guidelines and policies, including approval of the site principal, that is subsequently denied by the Local District superintendent or designee may be reviewed/appealed. Attachment B must be used to file an appeal. Attachment B must be submitted by the school to the Office of School Design Options with a written rationale specifying why the decision to deny the appeal should be reversed, within 20 working days of receipt of the waiver denial.
- B. The appeal shall be forwarded to the Local District superintendent and the UTLA president or their designees. These two individuals shall select a third person, and this panel will convene within 10 working days of receipt of the appeal.
- C. The decision of this panel shall be final and binding on all parties.



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**RELATED
RESOURCES:**

REF-068500.0, *Daily and Annual Instructional Minutes Requirements and Certification of Bell Schedules for School Year 2019-20*

MEM-5788.9, *School-Site Professional Development Priorities and Banked Time Tuesdays for Middle and High Schools (2019-2020)*, dated March 19, 2019

MEM-6015.6, *School-site Professional Development Priorities and Banked Time Tuesdays for Elementary Schools (2019-2020)*, dated March 19, 2018

BUL-6144.2, *School Day Schedule Requirements and Schedule Change Requests for Regular, Minimum, Shortened, Banked Time, and Pupil-Free Days*, dated July 27, 2017

ASSISTANCE:

For information on the Single Plan for Student Achievement (SPSA), please contact Federal and State Education Programs at (213) 241-6990.

For questions about annual waivers or autonomy models, please email looc@lausd.net or contact Elaine Kinoshita at (213) 241-8700.

Please contact the Local District Staff Relations field coordinator or the Office of Labor Relations at (213) 241-8322 for questions about waiver requests to any Collective Bargaining Agreements.

ATTACHMENTS:

Attachment A: LAUSD / UTLA Waiver Request

Attachment B: SBM Waiver Appeal Request

Attachment C: Single Track Instructional Calendar, School Year 2019 - 2020

LAUSD / UTLA Waiver Request

Please provide complete and detailed information for this waiver. (The electronic version will allow expanded responses in each textbox.) Schools must submit a *separate Waiver Request for each waiver being requested*.

School: _____ Local District: _____ Date: _____

Check all boxes that apply:

SBM School Traditional School Unknown Other model (please identify): _____

A. Waiver Description:

B. Current Procedures:

Briefly describe LAUSD District policy or LAUSD/UTLA CBA provision for which waiver is requested (attach supporting documentation).

C. Rationale:

1. What evidence supports the need to change your school's current practice or renew a previously granted waiver? (Attach SPSA page or Update page if applicable).

2. How will going beyond current District policies or bargaining unit contract provisions allow your school to improve?

D. Accountability: Evidence must exist in order for the waiver to be considered for future approval.

1. What benchmarks will be used to measure the success of your waiver?

2. If the waiver has been granted in the past, what is the evidence of success?

School Name: _____

Certification for Approval

(Stakeholders' signatures do not imply automatic District/UTLA Approval. Each waiver requested is judged on its individual merits.)

The undersigned certify that formal approval of this waiver request was obtained in accordance with LAUSD/UTLA guidelines including:

- Two-thirds agreement of certificated bargaining unit members by formal vote.

UTLA Chapter Chairperson (Printed Name)	UTLA Chapter Chairperson (Signature)	Date
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- Formal approval of a majority of classified staff. An official meeting was held and a formal vote was conducted. The vote resulted in a least a 50% + 1 vote margin.

Classified Representative (Printed Name)	Classified Representative (Signature)	Date
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- Formal approval of a majority of attending parents. An official meeting was held and a formal vote was conducted. The vote resulted in at least a 50% + 1 vote margin.

Leadership Council Parent / Community Member (Printed Name)	Leadership Council Parent / Community Member (Signature)	Date
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- Principal Agreement.

Principal (Printed Name)	Principal (Signature)	Date
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Return completed form to your Local District Superintendent by May 3, 2019.

LOCAL DISTRICT ANALYSIS: [Provide reason(s) if denied]			
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Conditions	<input type="checkbox"/> Denied	
Local District Superintendent (Printed Name)	Local District Superintendent (Signature)	Date Signed	June 30, 2020 Waiver Expiration Date
Send <u>signed</u> Waiver Request to:		Office of School Design Options Beaudry Building, 11th Floor Attn: Elaine Kinoshita	
LABOR RELATIONS ANALYSIS			
<input type="checkbox"/> Approved		<input type="checkbox"/> Denied	
Labor Relations Representative (Printed Name)	Labor Relations Representative (Signature)	Date Signed	
UTLA ANALYSIS: [Provide reason(s) if denied]			
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Conditions	<input type="checkbox"/> Denied	
UTLA Representative (Print Name)	UTLA Representative (Signature)	Date Signed	

SBM Waiver Appeal Request

If denied by the Local District, an SBM school may appeal by forwarding this waiver request within 20 working days of receipt of the waiver denial to: Office of School Design Options, Beaudry Building, 11th Floor.

School: _____ LD: _____ Date: _____

Please provide a detailed rationale for this appeal.

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This space to be used by appeals panel only.

Approved

Approved with Conditions

Denied

Local District Superintendent/Designee Printed Name

Local District Superintendent/Designee Signature

Date

UTLA President/Designee Printed Name

UTLA President/Designee Signature

Date

Third Committee Member Printed Name

Third Committee Member Signature

Date

Single Track Instructional Calendar

SCHOOL YEAR 2019-20																				Single Track					Days of Inst.
School Month	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F					
1	AUG 19	20	21	22	23	26	27	28	29	30	SEP 2	3	4	5	6	9	10	11	12	13	17				
2	SEP 16	17	18	19	20	23	24	25	26	27	30	OCT 1	2	3	4	7	8	9	10	11	18				
3	OCT 14	15	16	17	18	21	22	23	24	25	28	29	30	31	NOV 1	4	5	6	7	8	20				
4	NOV 11	12	13	14	15	18	19	20	21	22	25	26	27	28	29	DEC 2	3	4	5	6	14				
											Thanksgiving Break														
5	DEC 9	10	11	12	13	16	17	18	19	20	JAN 13	14	15	16	17	20	21	22	23	24	19				
6	JAN 27	28	29	30	31	FEB 3	4	5	6	7	10	11	12	13	14	17	18	19	20	21	19				
7	FEB 24	25	26	27	28	MAR 2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	20				
8	MAR 23	24	25	26	27	30	31	APR 1	2	3	6	7	8	9	10	13	14	15	16	17	14				
											Spring Break														
9	APR 20	21	22	23	24	27	28	29	30	MAY 1	4	5	6	7	8	11	12	13	14	15	20				
10	MAY 18	19	20	21	22	25	26	27	28	29	JUN 1	2	3	4	5	8	9	10	11	12	19				
	JUN 15	#	#	#	#																				
																				180					

▶ Returning from Winter Break # Not in Session ○ Holiday ⬡ Unassigned Day ◇ Pupil-Free Day

Distribution of Instructional Days	
• 31 instructional Mondays	• 38 instructional Thursdays
• 38 instructional Tuesdays	• 36 instructional Fridays
• 37 instructional Wednesdays	