



**STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE**

DO NOT WRITE IN THIS SPACE:

Case No:

Date Filed:

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES

If so, Case No.

NO

1. CHARGING PARTY:

EMPLOYEE

EMPLOYEE ORGANIZATION

EMPLOYER

PUBLIC¹

a. Full name:

United Teachers Los Angeles

b. Mailing address:

3303 Wilshire Blvd., 10th Floor, Los Angeles, CA 90010

c. Telephone number:

213-487-5560

d. Name and title of

Ira L. Gottlieb and Joshua Adams, Attorneys
person filing charge: Bush Gottlieb, A Law Corporation

E-mail Address:

jadams@bushgottlieb.com

Telephone number:

818-973-3200

Fax No.: 818-973-3201

e. Bargaining unit(s)
involved:

Certificated Employees

2. CHARGE FILED AGAINST: (mark one only)

EMPLOYEE ORGANIZATION

EMPLOYER

a. Full name:

Los Angeles Unified School District

b. Mailing address:

333 South Beaudry Ave.
Los Angeles, CA 90017

c. Telephone number:

213-241-1000

d. Name and title of

Robert Samples, Interim Director of Labor Relations

E-mail Address:

robert.samples@lausd.net

agent to contact:

Telephone number:

See above.

Fax No.: 213-241-8418

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name:

b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. Full name:

b. Mailing address:

c. Agent:

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes No

6. STATEMENT OF CHARGE

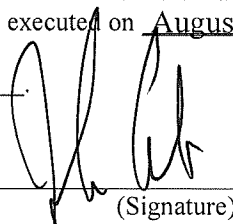
- a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)
- Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
 - Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
 - Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
 - Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
 - Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code, § 99560 et seq.)
 - Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
 - Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)
- b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are:
Cal Gov. Code sec. 3543(a), 3543.5(a), (b), (c), 3550
- c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are (*a copy of the applicable local rule(s) MUST be attached to the charge*):
- d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary.*)
See attachment.

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on August 24, 2018 (Date)

at Glendale, CA (City and State)

Joshua Adams
(Type or Print Name)


(Signature)

Title, if any: Attorney

Mailing address: Bush Gottlieb, A Law Corporation, 801 N. Brand Blvd., Suite 950, Glendale, CA 91203

Telephone Number: 818-973-3200 E-Mail Address: jadams@bushgottlieb.com

STATEMENT OF CHARGES
Attachment to UPC of Charging Party UTLA

I. INTRODUCTION

1. It is customary and lawful for public entities like the Los Angeles Unified School District (“District”) to receive and respond to requests under the California Public Records Act (“PRA”) for documents which enable the public to understand the decisions made by the District. In most circumstances, this process is outside the purview of the Public Employment Relations Board and is not subject to its jurisdiction.

2. The District erred here by using the PRA request process to punish members of United Teachers Los Angeles (“UTLA” or “Union”) for conducting a strike vote, by deciding to disclose confidential personnel information of Union President Alex Caputo-Pearl (“President Caputo-Pearl”) to a public news organization shortly after this vote was taken, on a radically accelerated timeline, and by failing and refusing to describe or to provide the information it intended to disclose in advance to President Caputo-Pearl.

3. The District has no legitimate basis for its decision to accelerate its internal PRA request timelines or to refuse to disclose the documents which would be the subject of such a request; and the only basis for the District’s conduct is retaliation for the Union’s decision to hold a strike vote or President Caputo-Pearl’s protected activity as a Union officer. The District’s unlawful disclosure further flies in the face of its intransigence in responding to lawful PRA and information requests by UTLA, where the District has materially delayed and refused to respond to Union information and PRA requests.

4. While District Superintendent Austin Beutner stated publicly that the District is willing to allow UTLA to “audit” its books, and the District’s chief negotiator has stated that the District is unable to afford the bargaining proposals of UTLA because it would “bankrupt” the District, the District repeatedly has refused to respond to Union information requests, in particular when those requests demand that the District provide evidence to back up its unsupported assertions at the bargaining table and in public that the District is unable to afford UTLA proposals.

II. PARTIES AND JURISDICTION

5. Charging Party is a “certified employee organization” pursuant to Government Code § 3540.1(b) and the exclusive representative of a bargaining unit of certificated employees (*i.e.*, public school teachers) of LAUSD. The District is a “public school employer” pursuant to Government Code § 3540.1(k). PERB has jurisdiction of this matter pursuant to Government Code § 3541.5.

III. ALLEGATIONS

A. The Union's Outstanding PRA and Information Requests; the District's Material Delay in Responding to Union PRA and Information Requests

6. On May 17, 2018, UTLA requested the following information among other items: "All contracts LAUSD has with companies providing testing or tutoring services". The District has materially delayed and failed to adequately respond to this information request. A true and correct copy of the Union's request is attached here as Exhibit "A."

7. On May 23, 2018, in response to the District's decision to permit an independent third-party entitled the Freedom Foundation to send email spam to approximately 35,000 District employees, the Union requested descriptions of the spam filters used by the District to block communications by independent third parties. The District has materially delayed and failed to adequately respond to this information request; and the District failed to respond to this request under the PRA. The District further has refused to block future such communications from third parties. A true and correct copy of the Union's request is attached here as Exhibit "B."

8. On May 31, 2018, among other items, UTLA requested the "total cost of special education services by severity." The District has materially delayed and failed to adequately respond to this information request. A true and correct copy of the Union's request is attached here as Exhibit "C."

9. On June 5, 2018, the Union requested information regarding the school's "Charter School Co-Location offers as of May 1, 2018." The District has materially delayed and failed to respond adequately to this request. A true and correct copy of the Union's request is attached here as Exhibit "D."

10. On July 17, 2018, the Union requested information related to the District "Advisory Task Force," including the budget and expenses of the Task Force. The District has materially delayed and failed to adequately respond to this request; and the District failed to respond to this request under the PRA. A true and correct copy of the Union's request is attached here as Exhibit "E." A true and correct copy of the District's form PRA request response to the Union, dated August 1, 2018, is attached here as Exhibit "F."

11. On July 30, 2018, the Union requested information regarding the District's public statements regarding its bargaining positions. The District has materially delayed and failed to adequately respond to this request. A true and correct copy of the Union's request is attached here as Exhibit "G."

12. On August 22, 2018, UTLA requested the following information among other items: a copy of the District's line-by-line departmental budgets for 2016-17, 2017-18, and the 2018-19 school year; and the District has failed to respond to this request under the PRA. A true and correct copy of the District's refusal to provide this information is attached here as Exhibit "H."

13. By its conduct alleged in the foregoing paragraphs, the District has engaged in a pattern of material delay in responding to Union information requests. As alleged in these same Paragraphs, the District further has refused and failed to provide information in response to Union information requests. The District therefore has interfered with UTLA's rights under EERA, Government Code section 3543(a), and violated EERA under Government Code sections 3543(b) and (c).

14. By its conduct alleged in Paragraph 7, the District has violated Government Code section 3550.

B. The District's Unlawful and Retaliatory Decision to Radically Accelerate Disclosure to a Public News Organization the Confidential Personnel Information of Union President Alex Caputo-Pearl

15. The Union and the District presently are engaged in bargaining for a successor contract. As the president of UTLA, Mr. Caputo-Pearl is the chief executive officer of the Union and has regularly appeared before members and represented the Union in communications and negotiations with the District. The Union declared impasse in negotiations on July 26, 2018 and the parties are scheduled to appear in mediation on September 27, 2018.

16. Starting on August 23, 2018, the Union held votes among its members throughout the District on the issue of whether to authorize UTLA to strike, if necessary, once impasse procedures in bargaining resolve. The Union publicly announced the strike authorization vote well in advance of August 23.

17. By letter dated August 23, 2018, the District advised President Caputo-Pearl that the District would be disclosing documents in response to a public records request by the public radio station and news organization KPCC. The District stated that it would be producing a "Notice of Unsatisfactory Act" and "Notice of Suspension" dated March 24, 2014, along with unnamed "attachments." The District further stated: "These documents will be produced on Monday, August 27, 2018"; and that the reason for providing notice to President Caputo-Pearl was to "give [him] the opportunity to seek a judicial determination of whether the documents the District intends to produce to KPCC are disclosable in light of federal and State constitutional privacy rights." A true and correct copy of the District's letter is attached here as Exhibit "I."

18. The District decided to provide KPCC with President Caputo-Pearl's confidential personnel information on a radically accelerated timeline, with only one day to seek a judicial determination, in order to coincide closely with the membership strike vote, and in retaliation for this strike vote. Indeed, the District has stated in a 2014 news article in the Los Angeles Times specifically with respect to the discipline at issue (of President Caputo-Pearl), that it "cannot reveal any disciplinary action taken against a particular teacher." The District further failed to note that the discipline at issue remains the subject of a pending grievance appeal.

19. By the conduct described in the foregoing paragraphs, the District has interfered with Union activity and attempted to dissuade Union members from engaging in lawful, protected activity, by suggesting that their confidential personnel information (just as the President's) will be unlawfully disclosed in response to protected, concerted activity.

IV. REQUESTED REMEDIES

Due to the unlawful conduct by Respondent alleged in the foregoing paragraphs, Charging Party requests that PERB order the following remedies:

1. That Respondent acknowledge in writing its responsibility to maintain an environment free of threats of reprisal and retaliation for actions that occur within the scope of representation;
2. That Respondent immediately cease and desist from interfering with the rights of employees and UTLA under the EERA;
3. That Respondent be required to post notice of its unlawful conduct and that it has been directed to cease and desist from further such conduct.
4. That Respondent be ordered to pay UTLA's attorneys' fees and costs.
5. Any other relief that PERB deems proper.

EXHIBIT A

From: Anthony LeClair [mailto:anthony.leclair@utla.net]
Sent: Thursday, May 17, 2018 12:38 PM
To: Wynn, Shiwonda; Samples, Robert A
Cc: Grace Regullano; Paula Propst; Jeff Good; Khoury, Najeeb; Labor Relations Requests
Subject: 05-17-2018 UTLA-LAUDS EERA Request Testing & Tutorial Contracts

Good afternoon, Ms. Wynn and Mr. Samples.

UTLA is making the following request for data regarding LAUSD contracts with companies providing testing services, materials, or tutoring services during any part of the 2017-2018 school year. This information is relevant and necessary to the performance by UTLA of its representation functions, and is requested under the Education Employees Relations Act or EERA.

UTLA is requesting:

1. **All contracts LAUSD has with companies providing testing or tutoring services:**
 - a. Including, but not limited to contracts with the following companies: NCS Pearson, College Board, Miller Educational Services, ETS, Catapult Learning, Data Recognition Corporation, and Dynamic Measurement Group.
 - b. We are requesting each contract in their entirety.

Please provide the information via email as soon as possible as an electronic file in the manner in which the information was maintained, e.g. tabular information provided in spreadsheet file format (CSV, XLS, XLSX). Should the files be too large to send through email, please provide the files via a drop link or via a CD.

Anthony Vincent LeClair
Data Specialist, United Teachers Los Angeles
(213) 631-6041

EXHIBIT B

From: [Grace Regullano](#)
To: [Wynn, Shiwonda](#); [Samples, Robert A](#)
Cc: [Quiñonez, Jesús](#); [Jeff Good](#); [Josh Adams](#); david.holmquist@lausd.net; [Khoury, Najeeb](#); [Paula Propst](#); [Ira L. Gottlieb](#)
Subject: RE: UTLA-LAUSD Information Request
Date: Monday, July 30, 2018 5:10:02 PM

Hello Rob and Shiwonda,

Checking in on the status of this information request. UTLA is entitled to this information under EERA. It is well established that under EERA an exclusive representative is entitled to information sufficient to enable it to understand and discharge its duty to represent bargaining unit members. The Freedom Foundation's spam emails to our members constitute third party interference with our ability to represent our members, and the district's seemingly selective allowance of certain emails through its email filters, when those emails fit the District's own policy definitions of the type of emails from outside parties that it blocks, lead to further concern around this interference. This is not a situation in which there are competing labor organizations seeking to represent the same group of employees, which might call for "neutral" treatment.

Please provide the requested information by August 10, 2018. If the district's next response does not include the requested information, please provide your explicit rationale as to why you are not providing the information.

Sincerely,

Grace Regullano, M.Acc
Director, Strategic Research and Analytics
United Teachers Los Angeles
213.368.6243 (office)
213.422.5236 (mobile)

From: Grace Regullano
Sent: Wednesday, May 23, 2018 5:41 PM
To: Wynn, Shiwonda <shiwonda.wynn@lausd.net>; Samples, Robert A <robert.samples@lausd.net>
Cc: Quiñonez, Jesús <JQuinonez@cta.org>; Jeff Good (<jgood@utla.net> <jgood@utla.net>); 'Josh Adams' <jadams@bushgottlieb.com>; 'david.holmquist@lausd.net' <david.holmquist@lausd.net>; Khoury, Najeeb <najeeb.khoury@lausd.net>; Paula Propst <paula.propst@utla.net>
Subject: UTLA-LAUSD Information Request

Hello Rob and Shiwonda,

UTLA is requesting the following information pursuant to our rights under EERA.

1. A list of all IP addresses blocked on district mail, Web, and/or Internet servers and the associated reason for the IP blocking.
2. A list of blocked websites
3. Descriptions of spam filters used by the district, that are under the district's discretion (for example, not a pre-determined third-party algorithm), including but not limited to:
 - a. Specifically blacklisted IP addresses
 - b. Rules-based filters
 - c. Content filters
 - d. Header filters

Sincerely,

Grace Regullano, M.Acc

Director, Strategic Research and Analytics

United Teachers Los Angeles

213.368.6243 (office)

213.422.5236 (mobile)

EXHIBIT C

From: Anthony LeClair [mailto:anthony.leclair@utla.net]

Sent: Thursday, May 31, 2018 9:46 AM

To: Labor Relations Requests

Cc: Grace Regullano; Paula Propst; Jeff Good; Khoury, Najeeb

Subject: EERA UTLA-LAUSD 05-31-2018

Good morning Ms. Wynn and Mr. Samples,

UTLA is making the following request for data regarding total special education expenditures and severity sub-costs for LAUSD in the 2016-2017 academic year. This information is relevant and necessary to the performance by UTLA of its representation functions, and is requested under the Education Employees Relations Act or EERA. Please be aware that we have been in contact with the PRA division regarding Special Education information, but we are submitting this specific request pursuant to our rights under EERA.

UTLA is requesting:

1. The total cost of special education services in LAUSD during the 2016-2017 school year.

* All major categories and their sub-costs comprising the total cost of special education to LAUSD in 2016-2017. See attached and above.

i. A thorough explanation of the component parts of these calculations. For example: salary of certificated employees, salary of instructional aides, administrative SELPA costs, salary of program specialists, non-staff services, tools and equipment, etc...

1. The total cost of special education services by severity (Goal classifications: 5750 & 5770) to LAUSD during the 2016-2017 school year.

* A thorough explanation of the component parts of this calculation. – Please see attached and above.

In a recent response to an EERA request, the district concluded that students receiving an alternative curriculum were considered “severe” and those who were receiving the general curriculum were considered “non-severe.” Is that the case for state required budgeting purposes? If not, we are requesting information regarding how the district determines severity for budget reporting purposes, as well as a total student count of “severe” and “non severe.”

Cal Ed Code Sec. 56205 requires school districts report budget information for severe and non severe special education students in accordance with the California School Accounting Manual.

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<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cde.ca.gov%2Ffg%2Ffac%2Fsa%2Fdocuments%2Fcsam2016complete.pdf&data=02%7C01%7CLaborRelationsRequests%40lausd.net%7C6778c8c1814f6e208c08d5eb77e704%7C042a40a1b1284ac48648016ffa121487%7C1%7C0%7C636673822611630699&reserved=0><<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cde.ca.gov%2Ffg%2Ffac%2Fsa%2Fdocuments%2Fcsam2016complete.pdf&data=02%7C01%7CLaborRelationsRequests%40lausd.net%7C6778c8c1814f6e208c08d5eb77e704%7C042a40a1b1284ac48648016ffa121487%7C1%7C0%7C636673822611630699&reserved=0>>

Thank you,

AVL

Anthony Vincent LeClair

Data Specialist, United Teachers Los Angeles

(213) 631-6041

EXHIBIT D

From: Ed Gutierrez [mailto:egutierrez@utla.net]
Sent: Tuesday, June 05, 2018 5:04 PM
To: Labor Relations Requests
Cc: Paula Propst
Subject: UTLA Information Request - Prop 39 Co-Location Offers

Dear Shiwonda,

Pursuant to the Educational Employment Relations Act (EERA), I am requesting information regarding LAUSD's final 2018-2019 school year Charter School Co-location offers as of May 1, 2018 per Proposition 39.

For this request, please provide the following information:

- 1.) Charter School Name
- 2.) District School Final Match Site/s
- 3.) Local District
- 4.) Board District
- 5.) Charter school's current & projected ADA
- 6.) Final # Classroom Allocation
- 7.) Any alternative or supplemental agreements between Charter School, District School, and/or LAUSD.

Please provide this information via e-mail. Should files be too large to send via email, please provide the files via Dropbox or we can arrange to pick up via a flash drive. Thank you.

Sincerely,

Ed Gutierrez
UTLA Research Specialist

EXHIBIT E

From: [Grace Regullano](#)
To: [Wynn, Shiwonda](#)
Cc: [Paula Propst](#); [Jeff Good](#); [Samples, Robert A](#); [Beets, Gifty](#); [Li, Lisa](#); [Labor Relations Requests](#); [PRA Requests](#); [Corrales, Karl Frederick S](#); [Ira L. Gottlieb](#); [Joshua Pechthalt](#)
Subject: RE: UTLA-LAUSD Information Request: task force
Date: Wednesday, August 01, 2018 12:58:03 PM

Hello Shiwonda,

UTLA does not concede the District's position or treatment on this information request. Among other reasons, this information relates to mandatory subjects of bargaining and thus qualifies under EERA. Please provide the district's explicit rationale for rejecting this EERA request.

Sincerely,
Grace

From: Wynn, Shiwonda <shiwonda.wynn@lausd.net>
Sent: Tuesday, July 31, 2018 5:01 PM
To: Grace Regullano <gregullano@utla.net>
Cc: Paula Propst <paula.propst@utla.net>; Jeff Good <jgood@utla.net>; Samples, Robert A <robert.samples@lausd.net>; Beets, Gifty <gifti.beets@lausd.net>; Li, Lisa <lisa.li@lausd.net>; Labor Relations Requests <LaborRelationsRequests@lausd.net>; PRA Requests <PRARequests@lausd.net>; Corrales, Karl Frederick S. <karl.corrales@lausd.net>
Subject: RE: UTLA-LAUSD Information Request: task force

Good afternoon, Grace

This request has been reviewed and does not appear to qualify under EERA. This request has been forwarded to the PRA Unit for fulfillment.

The PRA unit will be in contact with you with a tracking number.

Shiwonda

From: Grace Regullano [<mailto:gregullano@utla.net>]
Sent: Tuesday, July 17, 2018 4:33 PM
To: Wynn, Shiwonda; Khoury, Najeeb; Samples, Robert A
Cc: Paula Propst; Jeff Good
Subject: UTLA-LAUSD Information Request: task force

Hello Shiwonda,

Pursuant to the Educational Employment Relations Act (EERA), UTLA is requesting information related to the LA Unified Advisory Task Force, specifically the Task Force responsible for the production of the "Hard Choices" report (attached). Per the attached report, the LA Unified Advisory Task Force "was created to help the Superintendent and leadership team implement change" and

has examined issues related to “student learning” and “workforce”. In addition, the Task Force hired the consulting firm ERS to produce the “ERS Resource Map for LAUSD” which presented “a series of options to mitigate the budget deficit and reallocate funding.” Given the Task its analysis and recommendations regarding mandatory bargaining subjects, the Union is requesting the below information.

Please provide the following information:

- Which individuals and/or entities paid for the work of LA Unified Advisory Task Force, and amount each individual/entity contributed to the cost
- Budget and actual expenses designated towards the Task Force Reports including those produced to date and any slated for future production
- Total actual cost spent to produce the Task Force Reports, by report
- All previous and current contracts with Education Resource Strategies (ERS), for the past 10 years, either via the Task Force or LAUSD
- A list of relationships between ERS/its principals/staff, and LAUSD board members or board staff.
- Monetary and nonmonetary district resources put towards the work of the Task Force, including but not limited to the reports published by the Task Force or its consultants.

Please provide this information in the manner in which the information was maintained, e.g. spreadsheet format (CSV, .xls, .xlsx) if it was maintained as such (and not a PDF derived from a spreadsheet). Should files be too large to send via email, please provide the files via Dropbox or we can arrange to pick up via a flash drive.

Sincerely,

Grace Regullano, M.Acc
Director, Strategic Research and Analytics
United Teachers Los Angeles
213.368.6243 (office)
213.422.5236 (mobile)

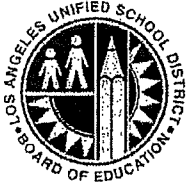
Please consider the environment before printing this email.

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EXHIBIT F



Los Angeles Unified School District

OFFICE OF THE GENERAL COUNSEL

333 S. Beaudry Avenue, 20th Floor, Los Angeles, CA 90017

TELEPHONE: (213) 241-7600; FACSIMILE (213) 241-3316

AUSTIN BEUTNER
Superintendent of Schools

DAVID HOLMQUIST
General Counsel

August 1, 2018

Grace Regullano
UTLA
SENT VIA ELECTRONIC MAIL
gregullano@utla.net

Re: Public Records Act Request

Dear Ms. Regullano:

This letter is in response to your California Public Records Act request. Your request is currently being reviewed and the appropriate departments have been contacted to determine if disclosable records relevant to your request exist.

As required under California Government Code section 6253, the District will make a *determination* within 10 days as to whether or not a request is seeking records that are publicly disclosable and, if so, to provide the estimated date that the records will be made available. There is no requirement for a public agency to actually *supply* the records within 10 days of receiving a request, unless the requested records are readily available. Still, the District prides itself on always providing all publicly disclosable records in as timely a manner as possible.

Should you have any questions, please contact the Office of General Counsel at (213) 241-7600 and reference the following OGC Control number: # 0044447.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lillian Hernandez".

Lillian Hernandez
Administrative Secretary to the General Counsel

EXHIBIT G

From: [Grace Regullano](#)
To: [Labor Relations Requests](#)
Cc: [Jeff Good](#); [Ira L. Gottlieb](#); [Paula Propst](#); [Samples, Robert A](#); [Beets, Gifty](#); [Li, Lisa](#); [Corrales, Karl Frederick S.](#); [Murphy, Kristen](#); [Josh Adams](#)
Subject: RE: UTLA-LAUSD Information request: Communications to other parties regarding negotiations
Date: Tuesday, August 21, 2018 4:40:55 PM

Hello Shiwonda,

This information request is subject to EERA for reasons including, but not limited to:

- District policies are germane to our bargaining and representational duties.
- Communications about bargaining are relevant under EERA.
- Statements about district finances are relevant under EERA.
- The district's communications to other parties about bargaining, potentially affect our bargaining unit members' working conditions, especially should those parties include entities engaged in the educational sphere where they may be providing or funding services to students

If the district disagrees that bargaining information is relevant under EERA, I look forward to receiving your explicit justification in support of your position. Please provide a response by Friday, August 24.

Sincerely,
Grace

From: Wynn, Shiwonda <shiwonda.wynn@lausd.net> **On Behalf Of** Labor Relations Requests
Sent: Thursday, August 16, 2018 9:34 AM
To: Grace Regullano <gregullano@utla.net>
Cc: Jeff Good <jgood@utla.net>; Ira L. Gottlieb <buddyg@bushgottlieb.com>; Paula Propst <paula.propst@utla.net>; Samples, Robert A <robert.samples@lausd.net>; Beets, Gifty <gifty.beets@lausd.net>; Li, Lisa <lisa.li@lausd.net>; Corrales, Karl Frederick S. <karl.corrales@lausd.net>; Murphy, Kristen <kristen.murphy@lausd.net>; Labor Relations Requests <LaborRelationsRequests@lausd.net>
Subject: RE: UTLA-LAUSD Information request: Communications to other parties regarding negotiations

Good morning, Grace

Thank you for your email. It is not clear to us that the information requested falls within the category of information disclosable under the EERA. Would you kindly provide us with legal authority in support of your position and we will be happy to consider it.

From: Grace Regullano [<mailto:gregullano@utla.net>]
Sent: Monday, July 30, 2018 5:22 PM

From: Paula Propst
To: "shiwonda.wynn@lausd.net"; "robert.samples@lausd.net"
Cc: Grace Regullano (gregullano@utla.net); Jeff Good (jgood@utla.net); Ira L. Gottlieb
Subject: Information Request Update
Date: Tuesday, August 14, 2018 4:31:00 PM
Attachments: LAUSD UTLA RESPONSE - July 26 2018 FINAL.pdf

Good afternoon Shiwonda,

I am emailing you on behalf of Grace Regullano concerning an information request submitted on July 30, 2018. UTLA requested communications to other parties regarding negotiations. For your convenience, I have included the written language of the request below and the attached document originally submitted.

Could you provide UTLA with an update on the current state of this information request?

Thank you,

Paula Propst
Senior Administrative Coordinator - Strategic Research
United Teachers Los Angeles
3303 Wilshire Boulevard, 10th floor
Los Angeles, CA 90010
(+1) 213-368-6230

EERA request as submitted July 30, 2018:

UTLA is requesting the following information pursuant to our rights under EERA, as it is germane to our function as the exclusive bargaining representative.

1. A list of all entities to whom LAUSD sent the attached letter (attached as a PDF).
2. The emails or other correspondence that accompanied the attachment to the aforementioned entities.
3. All documents relied upon by the district for its policies regarding communications to outside parties about labor relations and bargaining.

From: [Grace Regullano](#)
To: [Samples, Robert A](#); [Wynn, Shiwonda](#)
Cc: [Jeff Good](#); [Ira L. Gottlieb](#); [Paula Propst](#)
Subject: RE: UTLA-LAUSD Information request: Communications to other parties regarding negotiations
Date: Monday, August 06, 2018 5:11:26 PM

Hello Rob and Shiwonda,

Reaching out as I have not received an update on the receipt or status of this request.

Thank you,
Grace

From: Grace Regullano
Sent: Monday, July 30, 2018 5:22 PM
To: 'Samples, Robert A' <robert.samples@lausd.net>; Wynn, Shiwonda <shiwonda.wynn@lausd.net>
Cc: Jeff Good (jgood@utla.net) <jgood@utla.net>; Ira L. Gottlieb <buddyg@bushgottlieb.com>; Paula Propst <paula.propst@utla.net>
Subject: UTLA-LAUSD Information request: Communications to other parties regarding negotiations

Hello Rob and Shiwonda,

UTLA is requesting the following information pursuant to our rights under EERA, as it is germane to our function as the exclusive bargaining representative.

1. A list of all entities to whom LAUSD sent the attached letter (attached as a PDF).
2. The emails or other correspondence that accompanied the attachment to the aforementioned entities.
3. All documents relied upon by the district for its policies regarding communications to outside parties about labor relations and bargaining.

Sincerely,
Grace Regullano, M.Acc
Director, Strategic Research and Analytics
United Teachers Los Angeles
213.368.6243 (office)
213.422.5236 (mobile)

Please consider the environment before printing this email.

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without my prior permission. If the reader of this message is not the intended recipient, or the employee of agent responsible for delivering the message to the intended recipient, or if you have

EXHIBIT H

From: Ed Gutierrez [<mailto:egutierrez@utla.net>]
Sent: Tuesday, August 21, 2018 4:00 PM
To: Labor Relations Requests
Cc: Grace Regullano; Paula Propst
Subject: UTLA Information Request - Office of Communications and Media Relations

Shiwonda,

UTLA is making the following request regarding the Office of Communications and Media Relations. This information is relevant and necessary to the performance by UTLA of its representation functions, and is requested under the Education Employees Relations Act (EERA).

Please provide the following information:

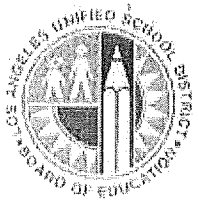
- 1) A copy of the division's most recent and up-to-date organizational chart
- 2) Copies of the division's line-by-line departmental budgets for the 2016-17, 2017-18, and 2018-19 school-years
- 3) Budget variance reports for the division showing actual revenues and expenditures for 2016-17, 2017-18, and 2018-19 year-to-date
- 4) A list of all third-party vendors/contracts and total payments and payables made or owed from the division for each of the three school-years listed above
- 5) The current total budgeted FTEs per job title and the average annual salary per classification
- 6) A list of all current open positions within the division

Please provide the information via email as soon as possible as an electronic file in the manner in which the information was maintained, e.g. tabular information provided in spreadsheet file format (CSV, XLS, XLSX). Should the files be too large to send through email, please provide the files via a drop link or via a CD.

Thank you,

Ed Gutierrez

EXHIBIT I



Los Angeles Unified School District

OFFICE OF THE GENERAL COUNSEL
BUSINESS AND GOVERNMENT LEGAL SERVICES
333 S. Beaudry Avenue, 20th Floor, Los Angeles, CA 90017
TELEPHONE (213) 241-7600; FACSIMILE (213) 241-3316

AUSTIN BEUTNER
Superintendent of Schools

DAVID HOLMQUIST
General Counsel

KATRINA M. CAMPBELL
Chief Business & Compliance Counsel

VIA EMAIL

Email: acaputopearl@utla.net

August 23, 2018

Mr. Alex Caputo Pearl

Re: KPCC Public Records Act Request for Personnel Files

The Los Angeles Unified School District received a request from KPCC under the California Public Records Act (“PRA”) for the “[d]isciplinary records for teacher Alex Caputo-Pearl, recently employed by LAUSD as a teacher at Crenshaw High School.”

Under the PRA, writings (“writing” includes any means of recording) containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the District must be made available to persons who request such records—unless the records are exempt from disclosure by express provision of law. The PRA provides a personnel exemption for personnel files, “the disclosure of which would constitute an unwarranted invasion of personal privacy.” (Government Code § 6254(c).) However, California courts have ruled that public agencies must disclose the disciplinary records of an employee if the records contain an allegation that “is well-founded and substantial in nature,” such that the public’s right to know about the allegation is greater than the employee’s privacy interest. (*See Marken v. Santa Monica Unified School District* (2012) 202 Cal.App.4th 1250, 1259-60; *see also Bakersfield City School District v. Superior Court* (2004) 118 Cal.App.4th 1041, 1044; *American Federation of State, County and Municipal Employees v. Regents of the University of California* (1978) 80 Cal.App.3d 913, 918.)

In order to comply with the PRA and the interpretative rulings, we intend to provide the following documents responsive to the request:

- Notice of Unsatisfactory Act dated March 24, 2014, and its attachments.
- Notice of Suspension dated March 24, 2014, and its attachments.

These documents will be produced on Monday, August 27, 2018. We are contacting you to give you the opportunity to seek a judicial determination of whether the documents the District intends to produce to KPCC are disclosable in light of the federal and State constitutional privacy rights. (*See Marken, supra*, 202 Cal.App.4th at pg. 1257.)

Mr. Alex Caputo Pearl
August 23, 2018
Page 2 of 2

Unless a court orders otherwise, the District will produce the described disciplinary records to KPCC on August 27, 2018. In the meantime, if you wish to submit any written rebuttal or response to the records being produced to KPCC, please do so prior to August 27, 2018.

If you should have any questions, please contact me at (213) 241-7600.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Campbell', written over a horizontal line.

Katrina M. Campbell, Esq.
Chief Business & Compliance Counsel

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 801 North Brand Boulevard, Suite 950, Glendale, CA 91203-1260.

On August 24, 2018, I served true copies of the following document(s) described as **UNFAIR PRACTICE CHARGE** on the interested parties in this action as follows:

Los Angeles Regional Office
425 W Broadway , Suite 400
Glendale, CA 91204
(818) 551-2822
Fax: (818) 551-2820
PERBe-file.LARO@perb.ca.gov

David Holmquist
General Counsel
Los Angeles Unified School District
333 S. Beaudry Ave.
Los Angeles, CA 90017
david.holmquist@lausd.net

Robert Samples
Interim Director of Labor Relations
Los Angeles Unified School District
333 S. Beaudry Ave.
Los Angeles, CA 90017
robert.samples@lausd.net

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Bush Gottlieb’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address mrodriguez@bushgottlieb.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 24, 2018, at Glendale, California.



Martha Rodriguez