

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

UNITED TEACHERS LOS ANGELES,

Plaintiff and Appellant,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

Defendant and Respondent.

B214119

(Los Angeles County
Super. Ct. No. BS116739)

ORDERS: MODIFYING OPINION
AND DENYING REHEARING
PETITION

[NO CHANGE IN JUDGMENT]

The opinion filed September 17, 2009, is modified in the following particulars:

1. On page five in the second sentence of the second paragraph, delete the words “union members” and insert in their place the words “charter school employees”.

2. On page nine, at the end of the first paragraph, after the word “defense” delete the period, and insert “which will be subject to judicial review as authorized by section 1286.4, subdivision (a)(4) (see *post*, fn. 3) as discussed in *Board of Education v. Round Valley Teachers Assn.*, *supra*, 13 Cal.4th at pages 273-276. It may very well be the arbitrator will conclude all of the union’s claims are barred by section 47611.5, subdivision (e)”.

3. On page nine, at the start of the second paragraph, delete “Rather, at” and its place, insert “At”.

4. On page nine, in the last sentence of the second paragraph, after the “defense” and before the period, insert “to the merits of the grievance including the argument that the arbitrator must reject it because of the statute’s preemptive effect”.

5. On page 13, in the first full paragraph, insert the following as the new third sentence, “Or the arbitrator may issue an award that has nothing to do with the charter school petition but only reaches issues such as the adequacy of notice and its effect on union members who will not be involved in the charter school operation.”

6. On page 13, in the new fourth sentence of the first full paragraph, which begins with “In such case,” delete “would” and insert “may”.

The rehearing petition filed October 1, 2009, is denied.

TURNER, P.J.

ARMSTRONG, J.

KRIEGLER, J.