

# NEWARK UNIFIED SCHOOL DISTRICT



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**January 11, 2021**

**[NEGOTIATIONS UPDATE #1]**

## **DISTRICT AND NTA CONTINUE NEGOTIATIONS FOR REOPENING SCHOOLS**

**Resuming In-Person Instruction As Soon As Possible**

**In a Safe Environment For Students and Staff is Top Priority**

### **Introduction**

This is Newark Unified School District's (NUSD) first Negotiations Update in 2021 about negotiations between the District and the Newark Teachers Association (NTA) over reopening District schools. The District will distribute the Negotiations Update after meetings with NTA to inform our community on the progress of negotiations.

### **History of Negotiations**

Immediately following school closures in March 2020 due to the pandemic, NUSD and NTA began meeting to negotiate a memorandum of understanding (MOU) for Distance Learning dated August 6. On September 15, 2020 the parties began negotiations over an MOU for reopening schools and a return to in-person instruction during the 2020-2021 school year.

Since September 15, the parties have met and negotiated 11 times but have yet to reach any agreements, either on the immediate return of small groups of particularly vulnerable students ("small cohorts") or a return to instruction for all students by grade levels.

NTA's most recent proposal to the District was on November 19, 2020. The District responded to this proposal on December 9, 2020. NTA has committed to providing a counterproposal to the District by January 25, 2021.

### **District's First Effort: Return Vulnerable Students to School in "Small Cohorts"**

In September 2020 the California Department of Public Health (CDPH) issued guidance allowing districts to provide specialized services to small groups of students who have been most adversely impacted by the closure of schools. These "vulnerable populations" included special education, chronically absent students, English learners, and foster youth.

The District proposed to bring back small cohorts of special education students beginning in November 2020 for parents who elected to send their children to school. NTA unit members would provide services on a *voluntary* basis only. NTA rejected the District's proposal, stating its survey of members found that 80% believed special education personnel should not return first and all teachers should return at the same time or none should return.

The District asked NTA whether it could improve or add to its proposal in any manner to change the position of unit members. NTA responded that it did not see reaching agreement on any proposal to return small cohorts to school immediately. The District then moved on to negotiating an MOU for the return of all students to in-person instruction.

### **Reopening Schools for In-Person Instruction in a Safe Environment**

Throughout negotiations, the District's top priority has been to return students and staff to schools as soon as possible in the safest environment possible. Consequently, MOU proposals are lengthy (around 15 pages) and cover many complex issues, including:

- **Safety Requirements:** The District has committed to follow the rules, orders and guidelines of multiple federal, state and county agencies such as the Governor's Office, Cal/OSHA, the CDPH, Alameda County Public Health Department, and the Alameda County Office of Education. These cover major areas such as social distancing requirements, safety equipment and sanitization etc.
- **PPE:** The District has already taken significant steps to implement required safety measures in all schools, including purchasing personal protective equipment (PPE) such as masks, shields, gloves, gowns, sanitization products etc., and providing for daily and deep cleaning of all sites.
- **Ventilation:** The District has committed to and has provided proper ventilation, air flow, HVAC systems and filters and air circulation at all sites as required by Cal/OSHA and other agencies.
- **Testing, Health Screening, Contact Tracing and Procedures for COVID Exposure:** These include rules covering mandatory quarantine, notice to employees of possible exposure, screening requirements before entering sites, and COVID testing for all staff at no cost to employees.

Other subjects being bargained include working conditions, hours of work (instructional day, preparation time, recess/breaks, lunch times), ingress/egress and movement of students and staff on campuses, unique special education issues, and child care.

### **District Return to School Plan**

The District has kept NTA informed of its Return to School Plan throughout negotiations by providing drafts of the Plan and opportunities for NTA input and comment, some of which have resulted in changes to the Plan. In October 2020 the District also provided NTA with six sample "Hybrid Instructional Schedules" (this means a combination of in-person and distance instruction over the course of a day or week). As required by law, the District has stated it is ready and willing to consult with NTA over the instructional schedules.

The District informed NTA on November 4, 2020 of its proposed phase-in of in-person instruction by grade levels as follows (this was before the County returned to a "Purple Tier" of COVID cases which now prevents reopening schools):

January 4:	Teachers continue Distance Instruction from classrooms (on campus)
January 11:	Grades TK-2, 7 and 12 return to campus
January 19:	Grades 3-4, 8-9 and MCA/Ohlone return to campus
January 25:	Grades 5-6, 10-11 return to campus

### **Next Steps**

- NTA to respond to NUSD's December 9, 2020 proposal by January 25, 2021.
- Negotiations on January 28 and February 3, 2021

Although conditions do not permit the return of students to in-person instruction at this time, the District will continue to work diligently and negotiate with NTA in good faith so that an agreement is in place and we are fully prepared to reopen safely and as soon as possible when allowed to do so.

**DISTRICT NEGOTIATING TEAM MEMBERS:**

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