



# Update on Re-Opening MOU Next Steps

Board Meeting  
April 8, 2021  
Agenda Item No. 7.3

Presented by: Raoul Bozio, In-House Counsel

# Attempts to Meet and Confer With SCTA

## Three Feet Guidance

- CDC, CDPH, SCDPH allow for three feet distancing between students in classroom settings (six feet between adults, adults and students, when eating, etc.)



# SCTA Meet and Confer – Three Feet Guidance (Continued)

- Section A.3 provides: All revisions and updates to the above health and safety guidelines. If any provision contained in this MOU conflicts with revised or updated guidelines, best practices,

# District's March 31, 2021 Request to

# SCTA's April 5, 2021 Refusal to Meet and Confer

- Our MOU (Section VII.A.1, Section VII.A.2 and Section VII.A.3) which is consistent with the District's own 'Return to Health Guideline' (revised March 13, 2021) mandates distancing space of at least six feet. This does not "conflict" with the CDC guidelines. In fact, it is quite consistent with CDC guidelines which recommend at least three feet distancing space between students in a classroom setting: six feet distancing is 'at least' three feet social distancing between students in a classroom setting.
- [Y]our request to meet and confer . . . is not applicable

# District's April 7, 2021 Second Request to Meet and Confer

# District's April 7, 2021 Second Request to Meet and Confer (Continued)

- [Quoting the CDE](#), “an LEA with more than sufficient space, staffing, hygienic supplies, etc. to ensure health and safety of all students should be offering ~~full~~ and fullweek in person instruction to all of its students.”
- [N]ot only have the CDPH and SCDPH guidelines for physical distancing changed since the MOU was agreed to at the table, the CDE has now stated its position on the expectation of offering in-person instruction “to the greatest extent possible” as related to compliance with AB 86.
- District cited [previously shared information about classroom capacity](#), which shows that almost all classrooms can space desks three feet apart without exceeding the total student headcount limits.

# Request for Impasse Determination

## SEIU Negotiations

- Between February 25 and April 3, 2021, the District and SEIU have met on eight days and have exchanged 12 proposals combined regarding reopening schools
  - [SCUSD's last counter-proposal](#)
  - [SEIU's last counter-proposal](#)
  - [SEIU's Modified Proposal](#)



# Request for Impasse Determination

# Request for Impasse Determination SEIU Negotiations (Continued)

- April 5, 2021, SCUSD filed a request for impasse determination with PERB
- Awaiting determination by PERB
- Next step would be mediation

Q & A