



## Fwd: Notice of Board action & Notice of the Opportunity to Bargain the Effects

From: **Carlos Moran** <carlos.moran@arused.org>

Date: Wed, Mar 31, 2021 at 8:02 PM

Subject: Notice of Board action & Notice of the Opportunity to Bargain the Effects

To: <areapresident@gmail.com>

Cc: Hilaria Bauer <hilaria.bauer@arused.org>, Rogelio Ruiz <rroiz@rehonroberts.com>, Tereasa Smith <tereasa.smith@arused.org>, Anthony Colonna <anthony.colonna@arused.org>, Vince Iwasaki <vince.iwasaki@arused.org>, Kolvira Chheng <kolvira.chheng@arused.org>

Dear Jocelyn,

On March 23, 2021, the State moved Santa Clara County into the "Orange Tier." Per the State's COVID-19 direction ("Blueprint for a Safer Economy"), the State has announced the County's move into the Orange Tier and further that "Schools may reopen fully for in-person instruction. Local school officials will decide whether and when that will occur." The MOU between the District and AREA states: "The terms of this Agreement will expire on June 30, 2021, or at such time as the school site opening for full in-person instruction is permitted by state or local order, but may be extended by mutual agreement."

At a special meeting on March 23, the Board of Trustees unanimously approved that, "Beginning the week of April 12, 2021, ARUESD will open up grade levels Pre-K to 8 on a phased basis to provide in-person instruction for students who have elected to opt-in to return to in-person instruction in District schools." Yesterday, March 30, the Board directed and authorized Administration to notify all staff and the opt-in families that the district will be providing in-person instruction four (4) days per week in the afternoons at the district's school sites, and to take such actions as are necessary to mobilize staff and resources to provide for the in-person instruction for those opt-in families for the remainder of the school year, and to continue to provide distance learning for those families that did not opt in, and that such authority would include, if necessary, declaring the current Distance Learning MOU expired per its terms and notifying AREA of its expiration.

The District and AREA have been in discussions since March 12 surrounding an MOU relating to the return to in-person instruction to meet the requirements of AB 86. While those discussions have stalled for the time being, the District remains hopeful that remaining issues can be quickly resolved so that the more than 1,800 students and teachers who have expressed a willingness to return to some measure of in-person instruction can do so safely and quickly, and the District can timely meet the requirements of AB 86. To meet that objective this is to provide notice of the Board's March 23 and March 30 actions and notice of the opportunity to bargain the foreseeable effects on negotiable terms and conditions of employment, including any impacts from the expiration of the Distance Learning MOU. If you believe there are foreseeable impacts on negotiable terms and conditions of employment that you would like to discuss, please describe those impacts and provide us with dates of availability between Friday, April 2 and Wednesday April 7, 2021, to meet. As you know, AREA had previously proposed, and the District accepted, that in-person instruction would begin for certain grade levels on April 15. That implementation date was not arbitrary but based on the non-waivable state (AB 86) funding forfeiture provisions which include substantial penalties for each day of delay and total forfeiture if in-person instruction is not implemented by May 15. On that basis, time is of the essence to bargain any foreseeable impacts.

We look forward to receiving AREA's dates of availability and to working with AREA to resolving any remaining open issues relating to any effects on negotiable terms and conditions of employment that you might identify.

Finally, the District has heard the concerns of many teachers who, because of their own personal circumstances, might be hesitant to return to in-person instruction this year. The District hears and is sympathetic to those concerns and would like to offer all such persons the opportunity for an exemption from returning this year under certain circumstances. Attached is a form that, with your review, comment and consent, we would like to send to all AREA members regarding that possibility of exemption. We would like to send it out Thursday, April 1, to avoid any undue stress or anxiety for those persons who spoke about their health and personal situations. Please let me know if you have any questions about the content of the letter, and recommended edits, and if you have any objection to the District sending it out.

Thank you,

Carlos

Attachment: Draft Exemption Request Letter to AREA Members

**Carlos Moran**  
**Assistant Superintendent, Human Resources**

Alum Rock Union Elementary School District  
2930 Gay Avenue  
San Jose, CA 95127

Human Resources Dept. - (408) 928-6835  
Direct line - (408) 928-6812  
[carlos.moran@arUSD.org](mailto:carlos.moran@arUSD.org)

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**2 attachments**

 **Request for Exemption From Return to Instruction on Site for the 2020-2021 School Year Form.pdf**  
327K

 **Exemption Letter to Teachers 04 01 2021.pdf**  
117K

**DRAFT**

**DRAFT**



# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

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2930 Gay Avenue, San José, CA 95127 · Phone: 408-928-6800 · Fax: 408-928-6416 · [www.arusd.org](http://www.arusd.org)

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April 1, 2021

Dear Employee:

This letter is to inform you of several recent important developments relating to the District and the availability of in-person instruction. First, Santa Clara County has met the criteria to return to in-person instruction in schools. On March 23, 2021, Santa Clara County was moved into the "orange tier" for COVID-19 reopening. Per the State of California, "Schools may reopen fully for in-person instruction" and "Local school officials will decide whether and when that will occur."

At a special meeting on March 23, the Board of Trustees unanimously approved that, "Beginning the week of April 12, 2021, ARUESD will open up grade levels Pre-K to 8 on a phased basis to provide in-person instruction for students who have elected to opt-in to return to in-person instruction in District schools." Yesterday, March 30, the Board directed and authorized Administration to notify all staff and the opt-in families that the district will be providing in-person instruction four (4) days per week in the afternoons at the district's school sites, and to take such actions as are necessary to mobilize staff and resources to provide for the in-person instruction for those opt-in families for the remainder of the school year, and to continue to provide distance learning for those families that did not opt in, and that such authority would include, if necessary, declaring the current Distance Learning MOU expired per its terms and notifying AREA of its expiration.

As part of its reopening plan, the District will be offering in-person instructional support to all grade levels, including "prioritized pupil groups" in the District per state law (AB 86), which includes all of the following students:

- (A) Pupils at risk for abuse, neglect, or exploitation.
- (B) Homeless pupils.
- (C) Foster youth.
- (D) English learners.
- (E) Pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, as determined by the local educational agency.
- (F) Disengaged pupils.

In addition, the District will be offering in-person instructional support to students who identify as needing greater support, as well as interested students with 504 plans or an Individualized Educational Plan throughout the District. The District has polled families to determine how many students desire to return to the school sites this year for instruction. Based on the results, over 1,800 students desire to return to district schools for some component of in-person instruction as part of their school day.

Hilaria Bauer, Ph D , Superintendent

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The District is preparing its COVID Safety Plan and reviewing and updating its other health and safety plans (as necessary) to prepare all employees and sites for the return to the school sites. You will receive copies of those materials in a separate communication within the next few days.

The Board and Administration appreciates and applauds the efforts made by all District staff over the last year in serving our students and families and pivoting to distance learning with almost no notice and under the stressful circumstances of the pandemic. Similarly, we understand that the pandemic affects all of us in unique and different ways and which may also impact your ability to return in person to your school or work site this year. We have heard concerns from many teachers about how the return to school sites will impact their lives. For that reason, and if you believe that returning to work this instructional year at your school or work site will cause you an undue hardship or risk, then please complete and sign the attached form to Tereasa Smith, Director of Human Resources, at [teresa.smith@arusd.org](mailto:teresa.smith@arusd.org) and indicate in the subject line, *RE: Exemption Request*. Your signed form must be received no later than April 9, 2021, so that the District may properly and fully consider individual circumstances.

Thank you again for your efforts.

Sincerely,



Carlos Moran  
Assistant Superintendent of Human Resources

Cc: Tereasa Smith, Director of Human Resources

Hilaria Bauer, Ph.D., Superintendent

Board of Trustees: Corina Herrera-Loera, President · Andrés Quintero, Vice-President  
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