

March 9, 2021

Dear SOMSD Families,

We want to thank you for your patience during this time and provide an update on our ongoing mediation with our teacher's union, SOMEA.

First, we are grateful to the staff that have returned for in-person instruction on Monday, March 1, 2021 to serve our most vulnerable students. With the return of these students, we are already seeing the impact in-person instruction has as they see their friends, restart routines, and edge slightly closer to a normal school experience. The Board is committed to that end.

On March 2, to further facilitate our goal of resuming in-person instruction before SOMEA's self-imposed return date of March 15, 2021, Board representatives met with SOMEA and the mediator for 5 1/2 hours. While the Board remained adamant that the school facilities are safe and ready for a full Phase 3 return, the Board was willing to agree to have teachers return to only those rooms that SOMEA identified as having passed its unique standards during its walkthroughs in late January and early February. The Board further advised that it would allow teachers with pending classroom grievances to work remotely, only if they could not be placed in one of the already identified lists of approved rooms (as per SOMEA's walkthrough).

With the limited number of students in the buildings during Phase 3, there are excess unused rooms that passed the walkthroughs and could have accommodated classes while grievances and disputes are worked out prior to our next Phase of hybrid instruction scheduled for April 19. Unfortunately, SOMEA refused to return to these rooms that had passed their walkthroughs. Although we had come to a Sidebar Agreement that defined criteria for rooms with univents, SOMEA repudiated that criteria and refused to identify any new criteria that would make them feel the facilities are safe for K-2, 6, and 9<sup>th</sup> grade classes leaving little to discuss.

In a final attempt to secure a return prior to SOMEA's March 15 designated return date, on March 4 we provided SOMEA with a detailed list of classroom assignments that used only rooms on the SOMEA approved list so that the Association members could see which rooms they would be assigned to and match it up with their list of approved rooms. We finalized the list adding the Marshall school rooms on March 5. SOMEA did not communicate with us over the weekend or on Monday at all.

Today, we were advised that SOMEA would return on Monday, March 15, for K-2 only, thereby excluding both 6<sup>th</sup> and 9<sup>th</sup> grade, on the condition that we approve three 504 requests. The Board rejected this request because it excludes our 6<sup>th</sup> and 9<sup>th</sup> graders and sought to modify SOMEA's return as articulated in their February 15 letter. The Board must highlight that as of February 12, forty-one 504 requests and/or non-medical accommodation requests have been approved, and a limited number have been denied upon advice from the District physician. At this point, the Board has decided to discontinue the mediation process, as it is being used as a tool to hide bad faith negotiations on behalf of a select few at the expense of the return of close to 1500 students.

The Board hears the community's calls for in-person instruction and will provide an update later this week regarding SOMEA's anticipated return to schools on March 15. We hope that SOMEA will honor their representation from the February 15 letter. During this time, the Board will focus its efforts to facilitate further reopening through our previously discussed pending legal action.

South Orange & Maplewood School District