

Hello Colleagues!

I want to share with you where we are right now with bargaining, and offer a few thoughts and analysis from our “Return to School” survey. As you know, our plans for bargaining significant improvements to our contract have been derailed by the COVID-19 pandemic. We are now facing budget shortfalls rather than the infusion of new monies that we had all been anticipating. Concurrently, we are navigating truly unprecedented working conditions as we prepare to return to work in August. As a result, PAT will be moving forward on two fronts simultaneously.

Bargaining Our Successor Agreement

We will be bargaining a successor agreement to our current contract with a limited number of issues on the table including workplace safety, equity issues including restorative practices, compensation, and benefits. **All of the hard work that has been done on contract improvements will not be lost.** Some of the proposals that were developed will fall within the scope of the limited bargain. We will bring the remainder of the improvements to the table in the next bargaining cycle when (hopefully) the effects of the pandemic are no longer driving our decisions.

Negotiating an MOA for the Fall

We will be aggressively negotiating a Memorandum of Agreement (which has the force of our contract but does not become a permanent part of our contract language) regarding the terms of our return to work in

August. There are a truly mind-boggling number of issues to work through to determine what our teaching and learning conditions will be for this next school year. With only seven weeks before we are expected to report for work, and the district's August 15th deadline to publish a plan, we have an incredibly short window of time to get contractual protections in place. As we negotiate through the summer (starting the week of July 20th), we may call upon you to provide your insights if you are willing to do so during your summer break.

As for our **Return to Work Survey**, first some data points:

- 43% of members indicated that they either have or live with someone who is high risk
- 32% of members said that they would be unlikely to return if they could not be certain of a sanitary work space while 80% expressed very low confidence that proper sanitation could be provided by the District
- 60% of members believe that their work space lacks adequate ventilation
- 15% (1 in 6) members indicated that they were unlikely to return to work if it involved any level of face-to-face instruction

Second, as far as we know, the District does not yet have answers to key liability questions such as: What happens if a teacher becomes ill? Is this a Worker's Compensation issue or personal health insurance? What happens if a child becomes ill and is hospitalized or dies – can the family sue the school district? If it could be shown that even one required element of the ODE's reopening plan had not been implemented with fidelity, wouldn't the District be considered legally negligent? If an administrator knew (or should have known) of an area of safety non-

compliance but failed to act to correct it, could they be held criminally or civilly liable? Given the size of our district and the decrepitude of many of our physical sites, it seems that there is a huge and unknown financial liability to reopening with face to face instruction.

Third, given that COVID-19 is far from under control, there is a statistical certainty that cases will break out in schools and be transmitted to educators, educator families, and student families. The opening of schools almost guarantees the acceleration of community spread of COVID at a time when we are still far from effective treatments or a vaccine and the health system is very vulnerable to becoming quickly overwhelmed. This ensures that, statistically speaking, the opening of schools will result in sickness and death that would otherwise not occur. While it might be legal, and there may be public pressure to open schools, to engage in a policy that you can be reasonably confident will cause suffering and death is immoral.

Fourth, even if a successful hybrid model could be designed that somehow negated all of the issues above, as soon as you have an outbreak in a building, students and teachers will be placed into quarantine and have no other option than a fully on-line model. Eventually, you will have 88 schools that are all in a chaotic cycle of opening and closing which would be much more disruptive to teachers, students and families than a fully on-line model that would remain consistent through the school year.

These points alone lead to the conclusion that large scale in-person teaching is not feasible. When you add to this the numerous impracticalities, logistical impossibilities, and technical barriers to complying with just the **required** elements of the ODE reopening plan, and the fact that there will not be sufficient resources available even if

none of those problems existed, I see no viable path to a safe and functional hybrid model that could serve most students.

We know that on-line teaching will be featured prominently even in a hybrid model. **We should be focusing our time and resources on providing the best possible virtual learning experience that we can.**

This will take an enormous amount of planning to accomplish and we have very little time. If we spend what little time is available to us in a vain attempt to offer some minimal face-to-face instruction, then we are likely to get to the start of the school year without having an adequate virtual school plan in place. Educators and students will find themselves in a situation that is much like what we experienced in March and April. This would be a disaster! We are pushing for PPS to first develop a workable on-line instruction plan. Once such plans are well developed, and with safety measures that would prevent the spread of disease, then we will diligently explore what it might look like to get students and educators safely back into buildings.

Thanks so much for your steadfast partnership in this work!

Steve Lancaster

PAT Bargaining Chair

Portland Association of Teachers

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