

February 9, 2021

Re: *The UEP Response to your letter of February 4, 2021*

Dear Chairperson Yon and Members of the Pittsfield School Committee:

We would like to respond to the answers you have provided to the UEP regarding the various issues that we have raised concerning the School Committee's unilateral actions to return students to in-person learning.

First, concerning the Memorandum of Agreement (MOA), the controlling language is as follows:

Phase III - Hybrid Learning Model

Phase III marks the implementation of the hybrid model. This model is outlined in the Pittsfield Public Schools Reopening Plan. The start of this phase will require a 14 day average of percent positivity less than 3% and a 14 day average daily incidence rate of less than 4 per 100,000 in Pittsfield and Berkshire County as determined by the Weekly COVID-19 Public Health Report. Based upon air quality and air flow reports the Opening can be postponed at the discretion of the superintendent in consultation with the district's local board of health and the PPS Health and Safety Committee.

We are quite aware of each and every facet and agreement contained within the MOA as we, unlike any School Committee member, have been present and actively negotiating the agreement since July, 2020. Taken in whole or in part, there is no ambiguity or possible alternative meaning to this clear and concise language.

Second, while the UEP recognizes the Committee's legal authority to delegate the negotiating responsibilities to whomever they deem fit, the suggestion that the UEP should have invited Committee members to their own negotiation sessions is absurd. These are vitally important issues, for the safety and welfare of the District's students and staff. There have been well over 100 hours of negotiations, and we would have thought that the Committee would want to prioritize the safety and well-being of our community. The fact that the Committee chose not to participate in negotiations and then took unilateral action based on claims such as "[we] *could not wait any longer*" and "*negotiations had stalled*" is demonstrably incorrect. We have been at every meeting. No Committee member has been present at these meetings since September. That was the Committee's choice. We simply questioned how Committee members could speak with such authority about the content of meetings that they did not attend. We know what we were told, and we know the nature of the discussions that have taken place. We can assure you that it was *never* relayed to the UEP that the Committee wanted all students to return. We were moving along, meeting weekly, having productive sessions and developing tentative agreements with your representatives at almost every session. We would like to understand how the Committee came to this erroneous conclusion.

Third, regarding the veracity of our Open Meeting Law complaint, the UEP did not propose that CVTE students were to be brought back on February 1st. We tentatively agreed with your representatives to alter our previously ratified health metrics in an effort to get those students back to in-person learning more quickly. The UEP made no proposal regarding Substantially

Separate Special Education students, either. In fact, we were told by your representatives that we would be provided with a proposal. The School Committee has not made a specific proposal regarding the return of all students to in-person learning. Although we are not privy to the Committee's discussions while in Executive Session, you personally stated at the 2:14:26 mark of the meeting, *"Now we're getting to the information that we discussed in our Executive Session."* It is a reasonable assumption, based on that comment, that the Committee discussed all of these matters in their Executive Session, and we believe that was improper.

The air quality testing issue is a vital safety concern that needs to be addressed. The air quality tests done in early September, when all of the windows in the classrooms were wide open and no students were present, were sufficient at that time. However, as the Committee has ordered some students back and intends to bring all 5,000+ students back into the buildings within the next couple of weeks, those 5-month-old test results are not sufficient to assure the safety of staff and students. It is the middle of winter when windows cannot be left wide open for increased air circulation and many schools continue to have issues with heating, which raises skepticism around proper ventilation. The UEP again demands that all rooms are re-tested so that the staff and the public know that there is proper airflow.

Lastly, the UEP has many questions and concerns surrounding the PPS COVID screening plan. We have had two discussions with your representatives on the subject of testing, and they have refused to provide specifics about the details and efficacy of what is being proposed. What we understand is that the District is rejecting the State's free pool testing plan where many hundreds, if not thousands, of individuals could be tested on a weekly basis, in favor of an individualized testing plan run by a local ambulance service. The cost to individually test the hundreds or thousands of staff and students in our district each week cannot possibly be affordable. The first six weeks under the State plan is free, and pool testing is significantly less expensive than individualized testing.

Without prejudicing any of the contractual and legal actions the UEP has taken, we formally request that you reconsider and rescind the unilateral actions taken at the January 27, 2021 School Committee meeting.

Respectfully,

UEP Executive Board

Melissa Campbell	Andrew Mickle
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Joseph Maffuccio	Karen McHugh
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Emily Pink	Eric Cicchetti
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Jeanne Lemmond	Todd Eddy
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Ceira Yantovsky