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Jorge A. Aguilar Superintendent

discussions on physical distancing as guidance in that area changed—a concept consistent with the District’s interest in returning as many students to person instruction as possible so long as consistent with public health recommendations.

Mr. Borsos then indicated that the language in the first sentence of Section I.A.3 allowed the parties to meet if there were changes in the guidance and that the second sentence was unnecessary. The District eventually deleted the second sentence that was in the 4/2 proposal on March 19 because the negotiations team believed, based on the discussion with Mr. Borsos, that it was clear the District intended to revisit the issue of physical distancing based upon the new guidance by public health officials.

In your email, you also claim that the CDC and CDPH guidance revisions or updates occurred “before the agreement became effective on March 25, 2020” while the CDC and CDPH revisions occurred before the MOU became effective, the CDPH revisions were not published when the MOU was agreed upon at the table. Moreover, the SCDPH revisions did not occur until after the MOU was agreed upon at the table, ratified by SCTA, and approved by the District’s Governing Board. Further still, and perhaps most important, Section A of the MOU indicates that:

The District agrees to comply with the guidelines and regulations, from the Centers for Disease Control and Prevention (CDC), the California Department of Public Health (CDPH), the California Department of Education (CDE), Cal/OSHA, and the Sacramento County Department of Public Health (SCDPH), including but not limited to:

1. CDPH “COVID-19 and Reopening of Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020

