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Sent: Tuesday, January 12, 2021 1:01 PM

To: Superintendent <Superintendent@scusd.edu>

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Subject: Arbitrator Ruling

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Superintendent Aguilar:

We wanted to confirm that in light of the Arbitrator Vendrillo's ruling in the Testing MOU case the District will suspend implementing any student assessments that do not comply with her ruling. Specifically, she ruled:

“ . . . the testing MOU is binding and enforceable agreement. The District cannot unilaterally repudiate an agreement entered into on its behalf by the superintendent. There is no showing that the Association failed to live up to its side of the bargain.

“Therefore, going forward, both parties are obligated by the testing MOU to mutually agree on those assessments that are mandated by the State of California or by federal laws, to mutually agree to administer district initiated and/or district-wide tests or assessments to monitor student progress, and to utilize the expedited dispute resolution procedure outlined in the MOU should agreement prove unattainable despite good faith and timely efforts by both sides.”

Accordingly, the District should suspend the undertaking of any district initiated/district-wide student assessment that “is not specifically and unambiguously directed by state or federal or programmatic (e.g. International Baccalaureate) mandate.” To our knowledge, the student assessments that fall under those mandates are the Smarter Balance Assessments (SBAC), California Science Test (CAST), and ELPAC initial and Summative Assessments.

For the record, despite what the district has appeared to tell some members of the public, we have never objected to any individually administered assessment for special education identification or monitoring.

Additionally, we have in past years agreed to the administration of the PSAT, SAT, AP Exams, and 1st and 3rd GATE assessments and are willing to doing so again this year. We have concerns about proctoring and other factors impacting safety of students and employees during in person administration that should be addressed.

Sincerely,

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