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August 16, 2021

Via E-Mail: jborsos@cta.org

John Borsos
Executive Director
Sacramento City Teachers Association
5300 Elvas Avenue
Sacramento, CA 95819

Re: Reopening District Schools for the 2021-2022 School Year

Dear Mr. Borsos,

This letter responds to your [email](#) to the District's Lead Negotiator, Pam Manwiller, and In House Counsel, Raoul Bozio, on August 11, 2021. In your email, you indicated that SCTA declined to meet with the District's negotiations team on August 11th because you did not believe that bargaining would be productive.

Your email also claims that the District's negotiations team has been unprepared for the last six bargaining sessions with the Sacramento City Teachers Association ("SCTA"). From your email, it appears that you believe the District's negotiations team has been unprepared because they did not bring forward proposals on reopening our District schools as well as about the new state-mandated independent study program under [AB130](#). As I have explained to you in my letters dated [June 1, 2021](#) and [June 27, 2021](#), and as our team has repeatedly explained to you at the bargaining table, the District is legally mandated to reopen schools and to offer an independent study program. The District has not received a proposal from SCTA regarding any negotiable effects of neither our obligation to reopen our school nor the implementation of the state mandated independent study.

We have explained that the District's schools will reopen for our students on September 2, 2021, consistent with the COVID-19 safety mitigation orders and guidelines issued by the [California Department of Public Health \("CDPH"\)](#) and the [Sacramento County Public Health Department \("SCPHD"\)](#). We have shared with you the [District's Health and Safety Plan](#), and our Director of Health Services, Victoria Flores, has walked through such plan and answered questions from SCTA on the plan at two recent negotiations sessions.

On August 10, 2021, SCTA presented to the District during negotiations a [list of twenty-four "issues that need to be resolved prior to the commencement of school."](#) It appears that SCTA's list is attempting to identify the impacts of the District's plan to reopen

schools consistent with state and local orders and guidance that SCTA believes to be negotiable. While the District does not agree that all of the twenty-four items listed are negotiable, to the extent SCTA does, it is SCTA's responsibility, not the District's, to provide a proposal that addresses each of the potential impacts identified by SCTA. We ask that you present such proposal at the next negotiations session to avoid yet another experience in which our community has to wait until shortly before the school year starts for final communications related to the upcoming academic year.

Similarly, the District has outlined for SCTA in the last two negotiations sessions on August 5th and 10th how it plans to provide independent study to our students consistent with [Assembly Bill 130](#). In our recent negotiations, Chief Academic Officer Christine Baeta, detailed the District's plan and [proposed schedules for independent study](#) and responded to questions from SCTA on the plan. Pursuant to AB 130, the District is required to have an independent study program in place by the first day of school, September 2, 2021. *As with our reopening of schools, it is critical that our community have an understanding of the District's independent study program, including the number of minutes that the District will offer and the schedule for the program so that they can make an informed decision as to whether that program is appropriate for their student.* [Item 22 on your August 10th list](#) of issues appears to identify those areas of the independent study plan that SCTA wishes to discuss with the District. The District does not intend to put forth a proposal on independent study, but we will negotiate with SCTA over any effects on your unit members' working conditions that you identify.

Finally, you claim that on August 3rd, 5th and 10th that the District was not prepared to discuss student assessments. We note that you only responded to the District's multiple requests to meet about assessments after we informed you on [July 30th](#) that we would ask an arbitrator to intervene after *seven months* of SCTA ignoring the District's requests. As we have informed SCTA since mid-January 2021, monitoring the progress of our students through assessments and adjusting teaching to meet their needs is one of the most critical aspects of our work in Sac City Unified. The District presented SCTA with its [proposed schedule of student assessments for the 2021-2022 school year on June 29th](#) and again [on July 30th](#), but to date, SCTA has not responded to the proposal. On January 26, 2021, in an [email from David Fisher](#), SCTA stated "[a]s a result, it will take us some time to develop our Assessment Committee and to discuss our priorities before commencing meetings with the District.... We are beginning to re-form our Assessment Committee and will be in touch with you when we are prepared to meet." Later, in an [email dated February 22, 2021](#), Mr. Fisher stated "[a]s we have previously informed the District, we need some time to reorganize our Assessment Committee." Only recently has SCTA informed the District of its novel position that its negotiations team, consisting of over seventy (70) negotiation team members, is now SCTA's assessment committee and is prepared to discuss student assessments though SCTA still has not presented any proposal around assessments for the 2021-2022 school year to the District or responded to the District's proposal on assessments. The fact that the arbitrator has decided not to intervene does not change this fact and hope that SCTA will respond to our proposal soon.

The District's team has been and will continue to be prepared for and participate in good faith in negotiations with SCTA. To be clear, the District is legally obligated to reopen all the District's schools for full in-person instruction for the 2021-2022 school year and to offer an independent study program that complies with AB 130.

Accordingly, the District is not permitted to delay this full reopening nor can it delay implementation of an independent study program. The fact that the District has not presented a proposal to SCTA on reopening our schools for the 2021-2022 school year or on independent study is not due to lack of preparation on the part of the District, but rather our recognition that it is SCTA's responsibility, not the District's, to identify any negotiable impacts of the District's plan on the working conditions of SCTA unit members and present a proposal to address those impacts for the District's consideration.

The District's negotiations team looks forward to meeting with SCTA on August 17, 2021, at 2:00 p.m., and to discussing any proposals that SCTA intends to present.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Aguilar', with a large loop at the end.

Jorge A. Aguilar
Superintendent