



**OFFICE OF THE SUPERINTENDENT**

5735 47th Avenue • Sacramento, CA 95824

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*Jorge A. Aguilar, Superintendent*

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January 16, 2019

Sent Via E-mail to [dfisher@saccityta.com](mailto:dfisher@saccityta.com)

David Fisher  
Sacramento City Teachers Association  
5300 Elvas Avenue  
Sacramento, CA 95819

Re: 2019-20 and 2020-21 School Calendar Negotiations

Dear Mr. Fisher:

As you know, the District filed a Request for Impasse Determination/Appointment of Mediator on January 4, 2019, requesting a determination regarding the parties' impasse in negotiating the school calendars for the 2019-20 and 2020-21 school years. The District has been attempting in good faith to negotiate the subject of these school calendars with SCTA since December 2017.

As part of this process, on June 13, 2018, the District presented a proposal to SCTA regarding the 2019-20 and 2020-21 school calendars that by starting in mid-August would bring the District closer in line with its neighboring school districts, potentially increase educational and enrichment opportunities for District students, and lead to additional revenue from increased student enrollment and retention. The District's letters of December 14 and 21, 2018, both detailed numerous benefits to students from a change to the school calendar. Despite the time-sensitive nature of finalizing a school calendar and the imperative need to inform parents and the community of changes for the fast-approaching 2019-20 school year, the District has not yet received a substantive response or counter-proposal from SCTA regarding its proposed changes. SCTA's failure to respond has resulted in the stalling of the negotiations process for a very important issue with far-reaching implications.

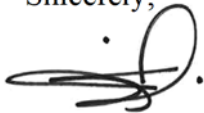
The District maintains its belief that the parties are at an impasse regarding negotiation of the District's proposed changes to the school calendars. Notwithstanding, the District has considered the matter further and, based on SCTA's representations by Executive Director John Borsos to Public Employment Relations Board Deputy General Counsel Wendi Ross that "the parties are not at impasse because SCTA remains willing to meet" on this subject, the District has temporarily withdrawn the Request for Impasse Determination without prejudice so that the parties can make another attempt to meet and negotiate on this subject.

The District is optimistic that we can resolve this matter if SCTA is willing to negotiate in good faith. Accordingly, the District is inviting SCTA again to meet and negotiate regarding school calendars for the 2019-2020 and 2020-2021 school years. In order for the parties to engage in meaningful negotiations, the District respectfully renews its request that SCTA provide the District with a written counter proposal to the District's proposal first presented to SCTA on June 13, 2018. The District's negotiation team is available to meet with SCTA at 4:00 p.m. on the following dates: January 24, January 29, and January 30, 2019. As the parties have done in the past in prior pre-impasse and pre-fact-finding meetings, the District proposes that the parties meet with a smaller, working group of representatives from the District and SCTA in order to promote a productive and efficient negotiation session. Accordingly, no more than eight (8) representatives will attend this smaller meeting on behalf of the District.

Please confirm no later than January 18, 2019, which of the proposed dates work for your team and your team members that will be in attendance. Since the last meeting between the District and SCTA took place at the SCTA Office, we will make arrangements for this proposed session to be held at the District Office. We will reserve one of our conference rooms and have a projector and screen should you want to utilize such equipment.

While the District believes that it has responded to and provided SCTA with all requested documents and information (as stated in our December 21, 2018 letter to SCTA), if there are any items SCTA believes to be still outstanding, please notify the District of those items in writing by January 18, 2019. The District appreciates your prompt response to these matters. The District trusts that the parties can work together collaboratively and in good faith in order to resolve negotiations on the school calendars and looks forward to receiving SCTA's written counter-proposal as the first necessary step towards resolution.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jorge A. Aguilar', with a stylized flourish at the end.

Jorge A. Aguilar  
Superintendent

Dulcinea A. Grantham  
Attorney at Law

E-mail: [dgrantham@lozanosmith.com](mailto:dgrantham@lozanosmith.com)

February 1, 2019

**By E-Mail: [jborsos@cta.org](mailto:jborsos@cta.org)**

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

Re: 2019-20 and 2020-21 School Calendar Negotiations and Information Requested

Dear Mr. Borsos:

This letter is in follow up to our telephonic meeting this morning. This meeting was facilitated by Regional Attorney Karl-Fredric J. Seligman on behalf of the Public Employment Relations Board (“PERB”), and the intent of the meeting was for the parties to discuss the status of the information requested by SCTA related to negotiation of school calendars. Specifically, SCTA asserts that the District has failed to respond to any of its requests for information regarding the District’s proposed changes to the 2019-20 and 2020-21 school years. SCTA has refused to meet with the District to negotiate on the subject until it receives a response.

The parties have been discussing the District’s proposed changes to the school calendars since at least 2017, as evidenced through the language regarding calendars in both the Framework Agreement, dated November 5, 2017, and the parties’ tentative agreement, dated November 30, 2017. The District has previously responded to the same requests that are the subject of this letter and has also informed SCTA on multiple occasions, both in writing and verbally, that it has provided SCTA with all requested documents and information available. The District made this point abundantly clear most recently in its letters to SCTA dated December 21, 2018, and January 16, 2019.

Notwithstanding the above, through this letter, the District is reiterating and further clarifying its prior responses in an effort to ensure that there is no misunderstanding. The District responds to your requests as follows, in the order they are outlined in the December 19, 2018 letter from SCTA 1st Vice President Nikki Milevsky:

1. *The district's plan and procedures for "hot air" and "unhealthy air" days in which a safe environment is provided for students to participate in physical education and recess including at sites that lack indoor space.*

As the District has previously responded, the District operates schools during summer heat and other challenging weather. Our facilities meet the requirements for operating in such conditions. The District has several schools that begin their regular school year calendar in mid-August as is currently proposed by the District. If the proposed changes are implemented, the District would simply follow the same procedures utilized at any school during hot days. While not directly responsive to your request as related to accommodating physical education and recess on hot or unhealthy air days, the District's Board Policy and Administrative Regulation 3514 generally addresses Environmental Safety, and Board Policy 6142.7 generally addresses the impact of weather, but not unhealthy air, on the physical education program. Other than these attached policies and regulations, the District has no further information or records responsive to this request.

2. *Any evidence of parental support for the instructional calendar for the district has proposed, including but not limited to, survey data, letters, emails, meeting minutes, and so on.*

As the District has previously responded, the District has received extensive community input regarding the school calendar across the several years that we have been proposing changes to the school calendar. We also recognizes that no decision to make such a change will ever yield one-hundred percent support. The District's proposed changes are the product of years of collective professional experience and expertise based on verbal input from stakeholders. The District has no information or records responsive to this request.

3. *The cost for adding a professional learning day regarding implicit bias at the beginning of the school year.*

As the District has previously responded on numerous occasions, the District's decision to reject SCTA's demand for a professional learning day at the beginning of the school year was based on the cost. The cost of one professional development day for SCTA is over \$1,000,000. The District has no further information or records responsive to this request.

4. *Any and all data possessed by the District supporting its assertion that the current calendar denies students of job opportunities.*

The District has previously provided SCTA with the documents demonstrating surrounding districts and community college summer programs. District staff has already shared with SCTA that District students are at a disadvantage for job opportunities when our schools end one to three weeks after those of other schools allowing students to apply for and start jobs earlier in the summer. The District has no further information or records responsive to this request.

5. *Any and all data possessed by the District supporting its assertion that its proposed calendar will improve student enrollment.*

The District has previously provided SCTA with the school start and end times of surrounding districts and community college summer programs. The District has also provided SCTA with its perceived benefits of the proposed changes for student enrollment. The District has no further information or records responsive to this request.

6. *Any and all data possessed by the District supporting its assertion that its proposed calendar with [sic] improve District's hiring process.*

Other than what has been shared verbally with SCTA, the District has no further information or records responsive to this request.

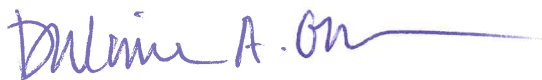
While not directly included in the list of questions in the December 19, 2018, letter the District also understands that SCTA requests information regarding the District's payroll department and its ability to issue employees' salary. The District's payroll department routinely processes payments to staff throughout the calendar year, including the summer. The payroll department will be able to meet the demands of issuing pay to all staff who work in July and August as it does throughout the calendar year. The District has no further information or records responsive to this request.

The District has responded to SCTA's requests with all responsive information and records available and/or in the District's possession at this point in time. As stated most recently in its letters to SCTA dated December 21, 2018, and January 16, 2019, the District has provided SCTA with all information available in response to its requests, as outlined above, and in support of the District's proposed changes to the 2019-2020 and 2020-21 school calendars.

The District considers this letter to satisfy SCTA's request for information on this matter. The District hopes that, with this information, SCTA will agree to meet with the District regarding the important subject of school calendars. The District remains hopeful that the parties can work together collaboratively and in good faith in order to resolve negotiations on the 2019-20 and 2020-21 school calendars.

Sincerely,

LOZANO SMITH



Dulcinea A. Grantham

DAG/vb

cc: Cancy McArn, Chief Human Resource Services Officer



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*Jorge A. Aguilar, Superintendent*

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February 8, 2019

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*Sent Via Email (dfisher@saccityta.com)*

*Darrel Woo  
Vice President  
Trustee Area 6*

David Fisher  
Sacramento City Teachers Association  
5300 Elvas Avenue  
Sacramento, CA 95819

*Michael Minnick  
2<sup>nd</sup> Vice President  
Trustee Area 4*

**Re: Response to January 29, 2019 Letter – School Calendars**

*Lisa Murawski  
Trustee Area 1*

Dear Mr. Fisher:

*Leticia Garcia  
Trustee Area 2*

This letter responds to SCTA's letter dated January 29, 2019, regarding SCTA's proposal to postpone any changes to the school calendar for the 2019-20 school year. To the extent that SCTA is proposing to postpone changes to the school calendar indefinitely subject to the conditions specified in the letter, the District rejects the proposal. However, if SCTA is proposing to postpone changes to the school calendar for the 2019-20 school year while agreeing to the District's proposed changes to the school calendar for the 2020-21 school year, the District is willing to consider SCTA's proposal. Please clarify SCTA's intent by February 12, 2019, so that the District can timely consider and respond to your proposal.

*Christina Pritchett  
Trustee Area 3*

*Mai Vang  
Trustee Area 5*

Sincerely,

Jorge A. Aguilar  
Superintendent

*Rachel Halbo  
Student Board Member*