



**OFFICE OF THE SUPERINTENDENT**

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August 13, 2019

Sent via email to [dfisher@saccityta.com](mailto:dfisher@saccityta.com)

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

Re: August 1, 2019 Board Meeting

Dear Mr. Fisher:

I understand that the Sacramento City Teachers Association (“SCTA”) has concerns related to the Board of Education’s handling of public comments made by SCTA 2<sup>nd</sup> Vice President Hasan McWhorter during the recent August 1, 2019 Board Meeting (“Board Meeting”). I further understand that SCTA has filed a grievance on this matter, to which District staff will respond consistent with Article 4 of the Collective Bargaining Agreement between the District and SCTA. The purpose of this letter is to address claims by SCTA leaders that the Board of Education’s action during the meeting violated the Brown Act.

Specifically, SCTA alleges that Board President Jessie Ryan intentionally “refused to allow SCTA 2nd Vice President Hasan McWhorter to finish SCTA’s report” during the Board Meeting by “cut[ting] off his microphone and stop[ping] the audio portion of the meeting as it was being streamed.” First, it is important to note that Mr. McWhorter’s microphone was not cut off by President Ryan. She does not have the technological control over the microphone. Instead, staff members in the control room control the microphone and other Board meeting-related technology. As you may know, there were several technical difficulties that occurred at the August 1 Board Meeting, including issues with the video display of presentations. This was the first Board meeting of the school year and new staff members were learning the video and audio systems. Second, while President Ryan did inform Mr. McWhorter that his comment time was completed, she did so consistent with the District’s Board Bylaw 9323 and practice which provide for a three-minute time limit for organizational reports, including those by SCTA, other labor partners, and parent and District advisory committees. Mr. McWhorter continued to speak for another ninety seconds after President Ryan told him he had reached his time limit.

President Ryan's actions at this Board Meeting were consistent with her actions at each of the ten (10) other Board Meetings during 2019, where she reminded you or 1<sup>st</sup> Vice President Nikki Milevsky of the time limitations and requested that you complete your comments. President Ryan's action during Mr. McWhorter's comments was also consistent with the stated presentation time on the Governing Board's Agenda for August 1. (See Agenda of August 1, 2019, Item 9.1 <https://www.scusd.edu/board-education-meeting/board-education-meeting-60> ).

Item 9.1 on the Agenda of August 1, 2019, provided for three minutes for each employee organization's report:

	<b>9.0 COMMUNICATIONS</b>	
6:50 p.m.	9.1 Employee Organization Reports:	<b>Information</b> 3 minutes each
	<ul style="list-style-type: none"><li>▪ SCTA</li><li>▪ SEIU</li><li>▪ TCS</li><li>▪ Teamsters</li><li>▪ UPE</li></ul>	

SCTA has also claimed that limiting Mr. McWhorter's comment period is a "clear violation of a collective bargaining agreement ("CBA") which gives SCTA up to fifteen minutes to give a report at the school board meeting." SCTA cites Article 18.12 of the 2004-2011 CBA between the District and SCTA, which states:

*"Employee Organizational Reports shall be placed among the first three (3) categories on the Board's agenda at each regular meeting of the Board. Topics to be included under this category shall be submitted at the superintendent's office no later than the Tuesday noon preceding the Board meeting. The time allotted the Association to discuss those items placed under Employee Organizational Reports shall not exceed fifteen (15) minutes for all items."*

To the extent Mr. McWhorter's comments were intended to serve as the SCTA organizational report under Article 18.12, SCTA did not comply with the Article 18.12 requirement that it must submit to the Superintendent's office the topics to be included in its Employee Organization Report by noon on the Tuesday preceding the Board Meeting. In fact, while SCTA has previously claimed that it is entitled to fifteen minutes during a Board Meeting to present its organizational report, it has not in recent years submitted the topics to be discussed consistent with Article 18.12 nor actually provided a report for fifteen minutes during any Board Meeting held year to date.

The Board takes its responsibility to the public seriously and in no way intended to prohibit Mr. McWhorter from expressing the views of SCTA. Rather, the Board allowed Mr. McWhorter to speak the standard length of time allotted for public comment as stated on the August 1 Board Meeting Agenda and consistent with the time allotted for SCTA during other meetings this year. When that time was exceeded, President Ryan thereafter reminded Mr. McWhorter of the time

limitation placed on public comment by Board Bylaw 9323. (See also Gov. Code § 54954.3(b) [a legislative body may place reasonable time limitations on public comment during an open meeting so that meetings can be concluded within a reasonable time].) Please let me know if you have any questions.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jorge A. Aguilar'. The signature is stylized with a large loop and a horizontal stroke.

Jorge A. Aguilar  
Superintendent