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May 28, 2021

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

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

Re: Response to SCTA Email of May 26

Dear Mr. Borsos:

I am in receipt of [your email of Wednesday, May 26, 2021](#) responding to notice from the District the Board of Education voted to further expand in-person learning time and opportunities for District students who chose to attend our schools in-person. You claim this action violates the law and the March 20, 2021 MOU between the District and SCTA. You also claim that this action is not consistent with [Resolution 3196](#), which was adopted by a unanimous 6-0 vote of those present of the District's Governing Board on April 22, 2021. The District disagrees with your claims and believes that its actions are consistent with the law and the MOU and are in the best interest of our students.

Section I.A.3 of the MOU states that “[i]f any provision contained in this MOU conflicts with revised or updated guidelines, best practices, recommendations, and considerations from SCDPH [Sacramento County Department of Public Health] or CDPH [California Department of Public Health] the Parties agree to meet and confer.” The MOU, at Section VII.A.1-3, contains language referencing at least 6 feet of physical distancing that was consistent with the CDPH guidance in place until March 20, 2021. As you know, and as the District stated during the bargaining session that began on March 19 and ended in the early morning on March 20, the Centers for Disease Control (“CDC”) guidelines on physical distancing in the classroom setting were revised on March 19, 2021. The revised guidance reduces the recommended physical distancing space between students in a classroom setting to at least three feet. However, both the CDC and the CDPH have maintained that distancing between adults, and between adults and students, should remain at a spacing of at least six feet. The CDC has specifically noted that in communities where the COVID-19 transmission rate remains high, greater physical distancing should be maintained to reduce the likelihood of transmission.

The CDPH made similar changes to their January 14, 2021 “COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020-2021 School Year” guidance and those updates were posted on the CDPH website on March 20, 2021.

The District negotiations team was very clear with SCTA on March 19, 2021 during negotiations that it believed that the new CDC guidelines *did* conflict with the current

language of the MOU regarding physical distancing and told SCTA that it would like to discuss the new guidance and the existing then-proposed terms of the MOU.

In fact, in the [District's proposal presented to SCTA at 4:25 p.m. on March 19, 2021](#), the District proposed language (shown in blue on the District's proposal) that read "The parties understand that there continues to be changes to the state and local guidelines and requirements related to physical distancing, cohorts, and other areas that may impact the format of the instructional model. The parties will meet and confer as needed." When the District shared this language with SCTA, you stated that it would be a huge setback if the District were to talk about three (3) feet of physical distancing and indicating SCTA was not going to agree to three (3) feet. The District's lead negotiator explained that the District was interested in continuing to have discussions on distancing as guidance in that area changed. You then indicated that the language in the first sentence of Section I.A.3 allowed the parties to meet and that if the language in the first sentence of the District's 4:25 p.m. proposal covered the changes in the guidance and the second sentence was unnecessary. The District eventually deleted the second sentence that was in the 4:25 p.m. proposal on March 19, 2021 because the negotiations team believed, based on the discussion with SCTA, that it was clear the District intended to revisit the issue of physical distancing.

Consistent with the discussions had during negotiations of the March 20, 2021 MOU, my letters dated [March 31](#), [April 7](#), and [April 20, 2021](#), requested to meet and confer with SCTA pursuant to section I.A.3 on the revised and updated guidance on physical distancing. SCTA did not agree to meet following receipt of these letters, other than a brief conversation on the issue during an April 27 meeting, until May 12, 2021. Following the May 12, 2021 meeting with SCTA, and after the District and SCTA exchanged proposals on combining cohorts, SCTA sent a letter stating the position that an MOU is not necessary to combine class cohorts at the elementary level beginning on May 18, 2021 because "the District will be following the terms and conditions of the March 25 'Safely Reopening Schools MOU.'"

Contrary to your assertions, the [District's letters of April 7](#) and [May 6, 2021](#) stated the District's interest in bringing students back consistent with spacing at a minimum of 3-feet as recommended by the CDC, CDPH and SCDPH. In addition, the Board has made it clear both in adopting the March 20, 2021 MOU and Resolution 3196 that it intends to bring back as many students as possible for in person learning consistent with [Senate Bill 86](#) and the [direction from the California Department of Education](#) and our Governor.

The District has followed the terms and conditions of the Safely Reopening Schools MOU by requesting, multiple times, to meet with SCTA over the changes in the physical distancing guidelines. Our students deserve the opportunity to be in our schools four days a week if their family so chooses and if we are able to accommodate them consistent with the current physical distancing guidelines from CDC, CDPH and SCDPH. As such, we will move forward on June 2, 2021 to further combine cohorts at those schools and in those classes where it can be done with at least three feet physical distancing. A list of those schools and classes is attached.

As you know, the secondary schools present a unique challenge in that unless all of the classes at a particular school site can be combined, we may not be able to bring back students for additional days because their schedule may be such that one or two of the three periods they attend in a day can be combined but their other period(s) cannot resulting in the student being

able to attend one or two classes for four days a week and another class for only two days a week. The attached list shows those secondary schools where cohorts can be combined.

We do not believe that bringing back more students for in-person learning consistent with the health and safety measures that the District has in place and with the current physical distancing guidelines poses a threat to the health and safety of our employees and we believe that any concerted activity by SCTA unit members on that basis would be inconsistent with the law. Many of our students have had the opportunity since May 18, 2021 to be back at our schools and with their teachers and peers four days a week. We hope you will join us in welcoming even more of our students back for this opportunity.

Sincerely,

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

Jorge A. Aguilar  
Superintendent

**Summary Combined Homeroom Data - Elementary**

	<b>Total Classrooms</b>	<b># of Combined Classrooms</b>	<b>Number of Classrooms Unable to Combine</b>	<b>Increased Attendance Expected</b>
<b>Trustee Area 1</b>				
Bret Harte Elementary	11	10	1	Yes
Crocker/Riverside Elementary	25	0	25	Yes
John Cabrillo Elementary	20	18	2	No
Leataata Floyd Elementary	16	11	5	Yes
Sutterville Elementary	19	0	19	Yes
Washington Elementary	18	7	11	No
William Land Elementary	18	18	0	Yes
<b>Total by Area</b>	<b>127</b>	<b>64</b>	<b>63</b>	
<b>Trustee Area 2</b>				
Caleb Greenwood	20	0	20	Yes
David Lubin Elementary	27	10	17	Yes
Phoebe A Hearst Elementary	23	0	23	Yes
Tahoe Elementary	17	9	8	Yes
Theodore Judah Elementary	20	5	15	Yes
<b>Total by Area</b>	<b>107</b>	<b>24</b>	<b>83</b>	
<b>Trustee Area 3</b>				
A M Winn Elementary K-8 Waldorf	22	0	22	Yes
Abraham Lincoln El	23	13	10	Yes
Golden Empire Elementary	24	9	15	Yes
Hubert H. Bancroft Elementary	19	6	13	Yes
Isador Cohen Elementary	19	18	1	No
James W Marshall Elementary	19	18	1	Yes
O W Erlewine Elementary	16	8	8	Yes
Sequoia Elementary	18	14	4	Yes
<b>Total by Area</b>	<b>160</b>	<b>86</b>	<b>74</b>	
<b>Trustee Area 4</b>				
Bowling Green-McCoy	17	17	0	No
Bowling Green-Chacon	14	13	1	No
Camellia Basic Elementary	19	19	0	No
Earl Warren Elementary	22	19	3	Yes
Elder Creek Elementary	31	27	4	Yes
Mark Twain Elementary	14	11	3	No
New Joseph Bonnheim Charter	14	10	4	Yes
Nicholas Elementary	25	17	8	No
Peter Burnett Elementary	19	19	0	No
<b>Total by Area</b>	<b>175</b>	<b>152</b>	<b>23</b>	

	<b>Total Classrooms</b>	<b># of Combined Classrooms</b>	<b>Number of classrooms unable to combine</b>	<b>Increased Attendance Expected</b>
<b>Trustee Area 5</b>				
Cesar Chavez ES	21	21	0	No
Edward Kemble Elementary	24	21	3	Yes
H W Harkness Elementary	16	16	0	Yes
John Bidwell Elementary	16	13	3	No
John D Sloat Elementary	14	11	3	Yes
John H. Still K-8	27	27	0	Yes
John Morse Therapeutic Center	6	6	0	No
Parkway Elementary School	22	20	2	No
Rosa Parks K-8 School	15	15	0	No
Susan B Anthony Elementary	15	15	0	Yes
Woodbine Elementary	16	15	1	Yes
<b>Total by Area</b>	<b>192</b>	<b>180</b>	<b>12</b>	
<b>Trustee Area 6</b>				
Alice Birney Waldorf-Inspired K8	21	2	19	Yes
Caroline Wenzel Elementary	17	17	0	Yes
Genevieve Didion Elementary	21	14	7	Yes
Martin Luther King Jr Elementary	15	15	0	No
Matsuyama Elementary	22	20	2	No
Pony Express Elementary	18	17	1	No
<b>Total by Area</b>	<b>114</b>	<b>86</b>	<b>29</b>	
<b>Trustee Area 7</b>				
Ethel I Baker Elementary	26	22	4	Yes
Ethel Phillips Elementary	24	16	8	Yes
Father Keith B Kenny K-8 School	16	16	0	No
Hollywood Park Elementary	15	12	3	No
Leonardo da Vinci K - 8 School	28	0	28	Yes
Oak Ridge Elementary	21	19	2	Yes
Pacific Elementary	29	23	6	Yes
<b>Total by Area</b>	<b>159</b>	<b>108</b>	<b>51</b>	
<b>Totals</b>	<b>1034</b>	<b>700</b>	<b>335</b>	

## Secondary Sites Able to Collapse All Class Cohorts

Sites Able to Collapse at 6 Feet	Sites Able to Collapse at 3 Feet
<ul style="list-style-type: none"><li>• MLK</li></ul>	<ul style="list-style-type: none"><li>• AM Winn</li><li>• Alice Birney</li><li>• LDV</li> <li>• Cal MS</li><li>• Sutter</li><li>• Will C. Wood</li><li>• Sam Brannan</li><li>• Fern Bacon</li> <li>• Burbank</li><li>• KCIA</li><li>• Carver</li><li>• School of Engineering and Sciences (SES)</li><li>• CKM</li><li>• West Campus</li><li>• HPHS</li><li>• The Met</li><li>• HJHS</li><li>• American Legion</li></ul>