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Subject: Inappropriate Violation to MOU

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Mr. Aguilar:

On Tuesday night, in a “special board meeting” with minimal notice to the public, the Sacramento City Unified School Board took an unprecedented unlawful and unnecessarily adversarial action to ignore the legally-enforceable memoranda of understanding between SCUSD and Service Employees International Union (SEIU) Local 1021 and the Sacramento City Teachers Association (SCTA).

This is a highly inappropriate act that ignores the ongoing covid-19 infections and the obligation to honor the MOUs the SCUSD enters into, and will result in a waste of financial resources. It is also unnecessary because this school year is almost over. We expect the District to honor its commitments and obey the law.

SEIU-represented employees reserve the right to exercise any and all legally-available remedies, including engaging in concerted activity free from reprisals consistent with the terms and conditions of the parties' collective bargaining agreement, which also prohibits classified staff from being “required to work under unsafe or hazardous conditions, or to perform tasks which endanger their health, safety or well-being.”

By a margin of 6-0, with one-member abstaining, the school board chose to follow Superintendent Jorge Aguilar's lead to decrease the spacing between students in **a limited, but unknown, number of schools** in some of the most affluent neighborhoods in our District--for the last ten days of in-person instruction in the 2020-21 school year.

With Sacramento County expected to enter the orange tier next week, we might have expected the District to take the opportunity to discuss its interest in talking through expanding the number of students who could return to in-person instruction for the few remaining days of the school year. The District failed to contact SEIU to notify us of a plan to combine cohorts at the secondary level. And after we reached an MOU on April 19 to return to in-person instruction, the District never made an actual proposal to us to decrease the social distancing between students from six feet to three. Therefore, the agreed upon minimum six-foot distancing remains in effect. The SCUSD is not free to make unilateral changes to a negotiated MOU.

But the reality is that Superintendent Aguilar, who has never participated in a single negotiation session since schools closed on March 13, 2020, never even bothered to have the discussion. He appears to have been more interested in pandering to a small, but vocal, constituency who have demanded that schools reopen with no restrictions. By encouraging what he projects as a bold and decisive step to “make every minute” count is, more truthfully, a thinly-veiled effort to mask years of failed leadership at the District.

By focusing on the final 10 days of 2020-21, Superintendent Aguilar and a majority of the school board are simply trying to divert attention away from their lack a vision for our students’ future.

Moreover, the focus on the final 10 days of in-person instruction neglects the serious challenges approximately fifty percent (50%) of Sac City students face because they have chosen to remain in distance learning for the remainder of the school year, out of concerns for safety and other factors. This board action does nothing to help families feel safe returning to school in-person and does not decrease the need for distance learning for those families that need it. The district knows school sites continue to struggle with Wi-Fi and other student technology issues. What about those students?

At every stage along the way during this pandemic, Superintendent Aguilar and a majority of the school board have been several steps behind surrounding school districts.

This recent action is just the latest, and now, the most serious failure. With unprecedented resources from both the state and federal government, SCUSD has a once-in-a-generation opportunity to re-design our school system by significantly improving services to students. Instead of discussing how to recruit and retain staff, lower class sizes, add more school nurses, counselors, technology technicians, librarians, psychologists, social workers, custodians and instructional aides, among others, Superintendent Aguilar and a majority of the school board are more interested in fomenting conflict. Our community deserves better.

Karla and Dan

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