

**Presentation by the Sacramento City Teachers Association (SCTA)
For Fact-Finding
In the Matter Regarding Sacramento City Unified School District (SCUSD)**

Case No. SA-IM-3546-E

**Before Panel Chairperson Joe Lindsay
SCTA Panel Member, John Borsos
SCUSD Panel Member John Gray**

“The American Rescue Plan gave schools money to hire teachers and help students make up for lost learning. I urge every parent to make sure your school does just that. They have the money.”

President Joseph R. Biden, [“State of the Union Address,” March 1, 2022](#)

“You deserve a raise, not just praise. Every parent in this country who spent the last year educating their child understands that you deserve a pay raise.”

President Joseph R. Biden, addressing the National Education Association, July 2, 2021

“Let us be clear: ARP provides vital resources **to hire additional educators and school staff and to improve compensation to recruit and retain educators and school staff**. School districts should act with urgency to keep schools open for in-person learning and ensure they do not waste this opportunity to make critical investments.” [Emphasis added.]

United States Secretary of Education Miguel Cardona to state education and all school districts in the United States (including Sacramento City Unified School District), December 16, 2021. [The letter can be found here.](#)

“There is a terrific state budget. Finally, we have at least two years of financial stability enabled by federal funding, as well as the American Recovery Act. Now it’s on us.”

New Los Angeles Unified School District Superintendent Albert Carvalho, March 2, 2022 as quoted in [Ed Source](#)

I. Background

A. Brief Profile of SCUSD

The Sacramento City Unified School District (SCUSD) is the fourteenth largest school district in the state of California, and one of twenty-three unified districts in the state with an average daily attendance (ADA) of over 30,000 students. In Sacramento County, in addition to SCUSD, there are two other school districts among the twenty-three largest in the state, Elk Grove Unified (60,766) and San Juan Unified (37,437).

According to the [District’s Local Control Accountability Plan \(LCAP\)](#):

“SCUSD’s 2020-21 student population is 40.8% Hispanic/Latino, 17.2% White, 17.7% Asian, 12.6% African American, 7.6% Multi-racial, 2.2% Native Hawaiian or Pacific Islander, 1.5% Filipino, and .5% American Indian or Alaska Native. Over 70% of students are identified as socioeconomically disadvantaged, including those students that are eligible for Free/Reduced Meals (71.6%), identified as Foster Youth (0.5%), and/or identified as Homeless Youth (0.7%). The student population also includes a significant percentage of English Learners (17.2%) and Students with Disabilities (15.3%).

“With more than 50 different languages represented, many SCUSD students speak a primary language other than English. Spanish, Hmong, Cantonese, Vietnamese, Russian, Marshallese, and Mandarin are the most frequently occurring primary languages other than English.

“SCUSD is guided by its Core Value of “Equity, Access, and Social Justice.” Emphasis added.

B. Adversarial Labor Relations During the Aguilar Administration: 2017 to the Present

It would not be an understatement to acknowledge that the relationship between SCTA and SCUSD has been contentious, particularly since Jorge Aguilar became superintendent on July 1, 2017. Five months after the beginning of his tenure, an SCTA strike was narrowly averted after eleventh-hour mediation led by Sacramento Mayor Darrell Steinberg.

After he signed the agreement, however, SCUSD Superintendent Jorge Aguilar backtracked on several key components of agreements that were reached during those negotiations, including: implementing a revised salary schedule; an agreement that savings from changes to health plan would be used to improve services to students through lower class sizes and increased professional support staff; and an agreement that limited district-wide standardized tests to those specifically set forth in state and federal law, unless mutually agreed to with educators.¹

The District’s adversarial approach to labor relations under Mr. Aguilar’s leadership has resulted in several arbitrations and multiple SCTA unfair practice charges with the California Public Employment Relations Board. Under Mr. Aguilar’s tenure, PERB has issued 18 complaints against the Sacramento City Unified School District, the most of any of the 1037 school districts in the entire state of California.²

In July 2018, Superintendent Aguilar personally presented a 2018-19 budget to the school board that was so mired with budgeting gimmicks and questionable numbers that for the first time in the history of the Sacramento City Unified School District, the Sacramento County Office of Education

¹ Each of those issues resulted in various loci of dispute resolution including through the Public Employment Relations Board (PERB) and arbitration. See for example, arbitration decisions on the [salary schedule dispute](#), the [health plan dispute](#), and [standardized tests](#). See also the [PERB complaints on the health plan dispute](#).

² A summary [is provided here](#).

[rejected the District's budget](#). It was also the first time that SCOE had ever rejected a budget within its jurisdiction.

Even before the budget had been officially rejected in August 2018, [Superintendent Aguilar had begun posturing](#) about the need for SCTA to make concessions on its health care benefits because of their purported impact on the SCUSD budget.

Falsely stating that the District was weeks away from insolvency, Superintendent Aguilar and other District leaders (with the support of the Sacramento County Office of Education), claimed that the District's financial future rested on a massive concession from certificated staff regarding health care. As will be demonstrated in more detail below, while the District's budget projections have been grossly mismanaged by Mr. Aguilar and his financial team, the District's actual finances have remained fundamentally sound. [For nine out of the last ten years](#), the District has operated with a surplus, including each year since SCOE first rejected the SCUSD budget in 2018-19. Today, not including the \$320.2 million that the SCUSD has received in state and federal COVID funds, SCUSD has the largest reserve fund in its history--\$125 million—more than ten times higher than the minimum reserve fund required by the state of California.

On April 11, 2019, SCTA members [staged a one-day strike to protest the anti-union, bad faith bargaining of the District](#). It was the first strike of certificated staff in thirty years. In April of 2021, classified employees represented by [SEIU Local 1021 were themselves days away from a strike](#) against the District; SCTA members had approved a sympathy strike in the event of a classified staff work stoppage. In June, certificated and classified staff voted by a margin exceeding 96% that they had [“No Confidence” in Mr. Aguilar’s leadership](#), after the District backtracked on COVID-related MOUs with both unions, and after Mr. Aguilar became the only district employee to receive an increase to his salary schedule, while all other employees’ wages remained frozen.

The bargaining over the issues that are the subject of this fact-finding proceeding—addressing the staff shortage, health and safety and independent study--overlaps with the parties’ bargaining over a successor contract. The SCUSD-SCTA collective bargaining agreement expired on June 30, 2019. After the District’s budget was rejected in August 2018, the District demanded to commence immediate negotiations for a successor contract, several months prior to the negotiation schedule set forth in the collective bargaining agreement. SCTA refused to bargain over a successor contract until the District agreed to comply with the terms of the 2016-19 contract, including implementing the salary structure and abiding by the health insurance provisions of the agreement.³ The parties commenced bargaining for a successor contract on March 5, 2020, eight days before schools would close for more than a year due to COVID.

C. Labor Relations Since the Pandemic

³ SCUSD filed an unfair practice charge against SCTA’s refusal to bargain. While ultimately ruling against SCTA on several claims alleged by the District, Administrative Law Judge Shawn Cloughsey rejected the District assertion that SCTA’s refusal to bargain was pursued with unlawful intent: “As the District has not demonstrated that the Association’s defenses and other actions or tactics in this litigation were without arguable merit, let alone that they were pursued in bad faith, this part of the request is denied.” p. 96. The [decision can be found here](#).

Since then, the parties have bargained simultaneously over issues both related to COVID and its impacts and successor contract, typically discussing matters related to both in the same meeting. In the spring of 2020 and throughout the 2020-21 school year, the parties negotiated over both the successor contract and various memoranda of understanding related to COVID.

On March 20, 2021, the parties reached an agreement on a memorandum of understanding that provided for the safe reopening of schools with a return to in-person instruction. The agreement provided for the resumption of in-person instruction with the timelines for reopening that were consistent with the schedule first put forward by the District.

In late May, the District announced it was backtracking on the agreement by, among other things, unilaterally changing the social distancing standard in the MOU from six feet between people to three feet. The District implemented the unlawful change on June 2, 2021. SCTA promptly filed an unfair practice charge against the District. [PERB issued a complaint](#) against the District on July 23, 2021. The case is now scheduled for hearing on April 25-27, 2022.

Beginning on April 29, 2021, SCTA first requested to meet with the District to discuss the reopening of school in 2021-22, and again requested to meet in May. The District did not make itself available to meet until June 8, 2021.⁴

On June 8, 2021, the parties met to discuss “successor contract and issues related to reopening schools in the fall.” SCTA presented to the SCUSD its proposal entitled [“Back to Schools Better: SCTA’s Framework for Fully Reopening Schools in 2021-22,”](#) commencing the bargaining that led to fact-finding.

Considering the District’s effort to limit the scope of the issues in this fact-finding hearing, the full content of the SCTA proposals are worth discussing in detail:

Back to School Better: SCTA’s Framework for Fully Reopening Schools in 2021-22

Following the pandemic that closed our schools after March 13, 2020, we look forward to the resumption of in-person instruction on September 2, 2021, the commencement of the 2021-22 traditional academic year. With an ongoing increase in state funding that raises spending from approximately \$11,000 to \$20,000 per student, in addition to \$313 million in state and federal funding related to COVID mitigation, we have a once-in-a-generation opportunity for the Sacramento City Unified School District (SCUSD) to make significant advances to improve student learning.

⁴The correspondence can be found in the packet of correspondence between the parties, attached here ([April 29 to September 3, 2021](#)), here ([September 9, 2021](#)), here ([September 9-November 30, 2021](#)), and here ([November 30-December 13, 2021](#)). The letter from Aguilar declaring impasse [can be found here](#).

Towards that end, the Sacramento City Teachers Association proposes improvements in the following areas:

- **Improved Services to Students**

1. Lowering class sizes;
2. Increasing physical and mental health supports for students (school psychologists, school nurses, counselors, and school social workers) through the development, implementation and expansion of community schools;
3. Providing Reading Intervention Specialists at every elementary school;
4. Implementing a robust MTSS program at every site;
5. Developing a Restorative Practices culture at every site;
6. Increasing funding and training for the Parent Teacher Home Visit Project for teachers to have summer visits (virtual or in-person) with incoming students and families;
7. Dedicating time and supplies for relationship building activities within the school day;
8. Increasing access to the Career & Technical Education programs that match the interests of the student body;
9. Expanding Child Development programs;
10. Providing expanded arts, music and sports enrichment activities for students;
11. Providing a virtual, non-concurrent, instruction option for all interested students;

- **Staff Recruitment, Retention and Support**

12. Working to recruit and retain diverse and highly trained educators who reflect the diversity of the District, including providing competitive wages and benefits;
13. Educator-developed and -focused professional development for all certificated staff in restorative practices, trauma informed teaching strategies, culturally responsive and antiracist teaching practices (including concrete strategies and tools for addressing racism, privilege and bias in classrooms), inclusive practices and Universal Design for Learning, and the resources necessary to implement;
14. The recruitment and retention of classified staff to maintain the health and safety of school facilities and provide the essential support services that enhance student instruction.

Rather than engage with SCTA, however, the District refused to respond to our repeated efforts to negotiate over these issues.

On June 17, 2021, SCTA again reiterated in writing its interest in ensuring that schools could fully reopen in the fall and urged the District to meet to respond to SCTA's "Back to School Better" proposal.

The District refused to meet until June 23. The District was unable to discuss its plan for reopening schools and presented no proposal to SCTA.

On July 9, 2021, Governor Newsom signed into law [AB 130 requiring school districts to provide Independent Study options](#) to students who were unable or unwilling to return to in-person instruction when classes resumed later that summer.

The parties met on July 20, 22, 27, 29, August 5, 10. In each bargaining session, SCTA requested a proposal from the District regarding how it planned to reopen schools in late August, including the health and safety conditions for students and staff, certificated staffing and independent study.

After the repeated refusal to address the issue, on August 10, 2021 SCTA presented to the District a document that [set forth the approximately 23 different areas](#) or topics that SCTA identified that needed to be discussed regarding reopening schools safely, addressing the staffing needs, and independent study. At the same bargaining session, SCUSD presented the SCTA with a narrowly focused proposal limited only to symptomatic and asymptomatic COVID testing for students and staff. The District proposal did not address any of the other issues identified by SCTA as requiring negotiations.

Significantly, [in light of the District's eleventh-hour Hail Mary pass](#) to limit the scope of this fact-finding preceding, on August 10, and on multiple other occasions, including August 24, September 22, and November 8, **the District** proposed meeting agendas that included both successor negotiation proposals and reopening proposals simultaneously.⁵ In practice, the negotiations proceeded simultaneously throughout the year.

On August 11, Superintendent Aguilar, who has never attended a bargaining session, tried to explain the District's refusal to present a proposal: "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

⁵ The correspondence can be found in the packet of correspondence between the parties, attached here ([April 29 to September 3, 2021](#)), here ([September 9, 2021](#)), here ([September 9-November 30, 2021](#)), and here ([November 30-December 13, 2021](#)). With regard to its March 4, 2022 letter regarding the Scope of Issues, the District demonstrates the lengths it will go to avoid addressing the real issues at hand. As demonstrated in the discussion in this presentation in the section on Statement of the Issues, Superintendent, School Board President Pritchett and other District representatives have identified the three areas of dispute as: "Addressing Staffing Shortages," "Keeping Kids Learning," and "Protecting Health and Safety;" a description that is consistent with SCTA's framing of the issues. SCTA has been clear and unambiguous regarding the issues it was attempting to address at the bargaining table and throughout this fact-finding process. In its letter, the District states "the current COVID and Reopening Negotiations and PERB Impasse Determination have never involved compensation, benefits, and other general economic items like "staffing" in the District" when even a cursory review of the District's own proposals (that it improperly seeks to limit the fact-finding to) themselves involve "compensation, benefits, and other general economic items like 'staffing.'" In addition, as the record makes clear, "While in the COVID negotiations process," the District frequently and repeatedly discussed those proposals simultaneously with proposals from SCTA "that related to successor contract negotiations, contrary to the District's baseless assertions. Finally, ignoring that it is the District that declared impasse and not SCTA," nonetheless, the District alleges that SCTA has bargained to impasse over non-mandatory subjects of bargaining. First, the issues identified by the District are not non-mandatory subjects of bargaining and second, and perhaps most importantly, SCTA has not declared impasse. Prior to the District's March 3 letter, the District has never identified any of those issues as permissive, nor can it demonstrate that SCTA has made settlement of those issues a condition of settlement.

District's consideration." Mr. Aguilar then stated without equivocation that the District had no intention to present a proposal to SCTA: "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."

SCTA responded in two ways to Mr. Aguilar's nonsensical letter. First on August 19, 2021 it filed another unfair practice charge over the District's refusal to bargain in good faith over these issues, including its failure to make a proposal and its refusal to negotiate with a bargaining team that has the authority to negotiate. [PERB issued a complaint on this charge](#) on September 27, 2021 and the issue is scheduled for hearing on March 21-25, 2022.

Second, on August 17th, [SCTA presented to the District a comprehensive proposal](#) that addressed the items outline in the August 10 documents.

It was not until the parties next meeting, on August 19th, nine days after students at two schools had already resumed classes and fewer than two weeks before the remaining schools were set to commence classes for the 2021-22 school year, that [SCUSD presented to SCTA its opening proposal](#) that addressed how the District intended to comply with AB 130.

It was not until August 25, 2021, **less than one week before classes were scheduled to commence**, that [SCUSD responded to SCTA's Health and Safety proposal](#).

On August 25th, the parties also [reached an agreement on an MOU](#) to add two professional development days, which included mandatory anti-racist training for all certificated staff that SCTA had been seeking for several years. SCTA successfully reversed a District position to limit the training only to teachers in the classroom and was able to ensure the training was provided to all certificated staff. Just this weekend (March 5), [SCTA was awarded](#) the California Teacher Association Human Rights Award "for exemplary contributions to the area of human and civil rights" for this effort.

Fearing an impending staffing shortage as well as immediate concerns about the health and safety of staff amidst a surge of COVID positivity, on August 25 [SCTA also presented to the District](#) its "Working Together for Student Success" proposal which included the following:

"Building off of our success in reaching an MOU on August 25, 2021, regarding professional development to begin the important work of supporting anti-racist instruction, SCTA proposes the following:

1. A comprehensive proposal for safely reopening schools, including traditional independent study, pandemic-based independent study, and short-term independent study, that provides equity in services offered to all students, including general education and students with disabilities (Attachment A);
2. An extension of the 2016-2019 contract through June 30, 2022 (Attachment B)."

The parties met twice more in August, but the District remained woefully unprepared and unwilling to make any significant movement.

After classes began on September 2, 2021, however, it became clear that SCTA's fears about a staffing shortage were well-founded. With approximately two hundred certificated vacancies and [over four hundred classified staff vacancies](#), despite repeated assurances from the District chief negotiator that SCUSD was well-prepared for the commencement of classes, it was not. More than one thousand students waited to be enrolled in Independent Study, and the District had no system in place to provide instruction for students who were forced to quarantine due to COVID exposure. Unlike in years past, more than fifty classes per day went without even being able to find a substitute teacher to cover the classes.

Rather than adopt the broader, more comprehensive approach to the three major issues impacting the parties (short staffing, health and safety standards under COVID, and Independent Study), the District took a half-hearted, piecemeal approach. From the perspective of educators, the District's response appeared to be just largely going through the motions.

On staffing, the District ignored the fundamental root of the staffing crisis engulfing the District—the 200 certificated vacancies. Unlike other districts throughout the country that have responded to the staffing crisis by following the tenets of modern economics by increasing wages and improving working conditions, the [District proposed a five-year wage freeze](#) while [demanding a massive concession in health insurance](#) that would reduce the take-home pay of the average educator by \$10,000 per year. In addition, the District continued to [demand a wholesale overhaul in workload](#) and the workday that would significantly increase the amount of time educators were required to work while ceding considerable professional judgment to district administrators, all without additional compensation. [By the District's own estimate](#), its demand for givebacks on health insurance alone would shift over \$17 million in cost from the District to certificated employees, in addition to an additional 2% reduction across-the-board related to retiree health insurance that equates to another \$4.5 million. The total cost shift demand by the District exceeds \$21 million per year.

Instead, the District took a narrow, limited approach that inadequately responded to a few of the symptoms, but not the cause. While the school board publicly rewarded Superintendent Aguilar [with a lavish new contract](#), it offered educators only [a \\$1,000 off the schedule payment](#) “to address additional costs and duties related to COVID-19, less any applicable taxes and withholdings.” The \$1,000 payment is actually less than the \$1250 one-time payments agreed to between SCUSD and SEIU related to COVID work. To add insult to injury, the one-time COVID payment was part of a package proposal that would only be provided if the Union accepted all other take-aways the District had on the table. The District has not wavered from that position.

While leaving the overall problem of recruiting and retaining certificated staff unaddressed, the District instead [demanded the right to reassign training specialists](#) from their regular job duties, while expecting the regular certificated staff to simply absorb the extra work with little or no additional compensation.

In response to its inability to fully staff Independent Study, the District regressed from its previous position and [reverted to demanding the return to concurrent learning](#), or what Chief Academic Officer Christine Baeta called “Roomie, Zoomie,” an instructional model used in the spring, that by all accounts was total failure.

At the same time, the District responded to its inability to hire substitutes [by proposing to increase their rate of pay, but rejected any other improvements to the wages and working conditions](#) that would facilitate the hiring of substitutes and more importantly improve their availability to the many schools with students with the greatest need who struggle to find adequate staff. And rather than accept a union compromise to immediately increase the substitute pay to the rate offered by the District, while the parties continued to bargain over additional issues related to substitute pay, the District refused, just as it refused taking any steps to correct a major District error that led to the purging of 213 substitutes from the pool earlier in the year.

Finally, when it came to the health and safety of students and staff, the District has not made a change to its second and last [proposal it made on the issue on August 30, 2021](#), even in the wake of the Omicron surge that has exacerbated the staffing crisis in the District.

The District’s bargaining approach on the matters that are the subject of this fact-find hearing can be summarized as follows: resist bargaining over relevant issues through the spring and summer; make a few perfunctory proposals in the late summer, and attempt to limit the issues as narrowly as possible; revert to resisting bargaining in the fall; declare impasse in the early winter and avoid discussions thereafter.

Our students deserve better.

II. Statement of the Issues

On December 10, 2021, Superintendent Jorge Aguilar [wrote a letter to SCTA President David Fisher declaring impasse over bargaining “regarding various issues.”](#) In the body of his letter, Mr. Aguilar identified “proposals at issue in negotiations regarding COVID-19 and reopening,” “changes to the Independent Study program,” “compliance with public health guidance and recommendations for schools regarding COVID-19,” and “[f]inally, the parties have not been able to come to agreement on how to address serious staffing shortages.” Multiple times in the parties’ numerous bargaining sessions between July and December, District representatives including chief spokesperson and outside consultant Pam Manwiller, SCUSD in-house counsel Raoul Bozio, and Chief Academic Officer Christine Baeta, described the staffing shortage in SCUSD as “a crisis” and “an emergency.”

In [a press release announcing the District’s request for an impasse](#) determination by PERB, SCUSD School Board President Christina Pritchett was explicit about the principal issue the District sought to address:

“Sac City Unified has proposed a number of creative approaches to use these funds responsibly to address the challenges that our district faces this year, **including a severe staffing shortage**. We are already four months into the current school year. We hope that the declaration of impasse will allow the issues that must be negotiated to be resolved quickly in the best interest of Sac City Unified students.” [Emphasis added.]

On the same day, December 10, 2021, [SCUSD filed with PERB a 207-page](#) Request for Impasse Declaration.

On December 16, 2021, SCTA responded to SCUSD request ([see attached](#)) by not opposing it, “under the following conditions”:

First, the SCUSD “Statement of Facts” grossly misrepresented the parties’ bargaining history and “cannot be accepted as an accurate description.”

Second, SCUSD has continued to bargain in bad faith by not sending a bargaining team with the authority to make decisions, and SCTA reserved the right to pursue legal remedies.

And third, “the SCUSD framing of the issues in dispute do not accurately describe the issues that separate the parties.”

The SCTA December 16, 2021 response then set forth the following:

“Broadly described, the matters in dispute are as follows:

1. The certificated staffing crisis in SCUSD, including but not limited to:
 - a. Overall certificated vacancies, including recruitment and retention of certificated staff;
 - b. Substitutes;
 - c. Independent study;
 - d. Extra work and additional compensation for nurses and other staff
2. Health and Safety Issues Related to the Re-opening and Continued Operation of Schools to In-Person Learning, including but not limited to:
 - a. Overall health and safety concerns
 - b. Vaccinations and COVID testing
 - c. Social distancing and other mitigation measures;
 - d. Air filtration and ventilation;
 - e. COVID leave
 - f. Remote work opportunities;
 - g. Agreement enforcement, including an indemnity clause
3. Independent Study
 - a. The Instructional Day;
 - b. Short-term Independent Study
 - c. Independent Study for Students with Disabilities
 - d. Professional Development.

With this understanding, SCTA does not oppose SCUSD's request for impasse determination."

Opposing counsel for the District was included in our correspondence. The District did not challenge our framing of the issues.

On January 24, 2022, [Superintendent Aguilar put out an update](#) to the community and parents on the dispute entitled "Update on Negotiations and Efforts to Address Staffing Shortages and Ensure Continuity of Learning". In it, Mr. Aguilar identifies three areas of dispute: "Addressing Staffing Shortages," "Keeping Kids Learning," and "Protecting Health and Safety,"

On February 24, 2022, [the District submitted to the California Public Employment Relations Board what it considers to be the statement of issues](#) before the fact-finding panel. From SCTA's perspective, rather than provide a statement of the issues, the SCUSD "statement of issues," appears to be merely a summary of the District's last proposal to SCTA.

We believe that a statement of the issues should represent broadly the issues in dispute, while a summary of bargaining proposals represents the parties' respective solutions to address the issue in dispute.

Since June 8, 2021, when it first made its "Back to School Better Proposal," SCTA has broadly framed the issues in the 3 categories: 1. Staffing; 2. Health and Safety During COVID; and 3. Learning for those students unable to attend school in person (which since the passage of AB 130 has focused primarily on Independent Study). SCTA has been consistent and unwavering; the District has not challenged this framing of the issues, a stance that continues into the present.

In collective bargaining, it is a virtual given that there may be differences between a Union and the Employer. One party may take a narrow approach, while the other adopts a more expansive response. Certain issues or sub-issues may be more or less important for either party.

In its response to the Statement of the Issues, SCUSD, while not challenging the issues in dispute, appears to be attempting to limit the scope of proposals SCTA has made consistently and without challenge at every stage of these negotiations.

Consistently and without challenge, SCTA has made proposals to address the staffing crisis in the District that have countered the District's unjustifiable demands for wage freezes, massive concessions in educator take-home pay, and an extensive proposal to erode work place health and safety standards while significantly increasing educators' workday without additional compensation.

While it is true that the District has not agreed to SCTA's proposal and SCTA has appropriately alleged that the District has not bargained in good faith resulting in two PERB complaints already as part of this process ([with a third charge filed on February 28, 2022](#)), the District now appears to be trying to limit the scope of proposals that SCTA can make to address the issues that both parties agree are in dispute.

Indeed, the District's efforts to force a square peg in a round hole are so off-base that is forced to contradict the plain language of its own proposal. It's tortured efforts to deny its proposal for a five-year wage freeze, coupled with a \$1,000 off the schedule payment "to address additional costs and duties related to COVID-19, less any applicable taxes and withholding," contained in a take-it-or-leave-it package proposal with massive concessions is related to bargaining over issues related to COVID, leaves District representatives unable to explain: "additional costs and duties related to COVID-19."

In short, the District is seeking to avoid the major contradiction in its bargaining stance, and its ongoing defiance of the laws of modern economics. How does an Employer justify massive cuts in educator take-home pay and an increase in educator workload without additional compensation as a viable solution to the District's staffing crisis? How does reducing the average educator's take-home pay by \$10,000 per year help the District recruit and retain certificated staff? How does demanding the right to subcontract work to an on-line service provider ensure that our students receive the education they deserve?

A summary of the issues with a side-by-side comparison of each parties' respective position [can be found here](#).

III. Addressing Staffing Shortages

A. Overall Vacancies in SCUSD

According to information provided by the District on February 11, 2022, there are [199.48 full-time equivalent \(FTE\) vacancies](#) among certificated staff in SCUSD.⁶ This number does not include an additional forty (40) academic intervention teaching positions approved by the school board in the spring, but that the District is no longer recruiting for after, according Chief Academic Officer Christine Baeta, the District was unable to develop a job description for this position for the parties to even discuss. The number of vacancies also does not include an additional thirteen (13) positions at Capital City, staff who would be assigned to Independent Study. In total, this means SCUSD has at least 252.48 FTE's in vacancies among certificated staff, or an 11% vacancy rate.

In its presentation, the District noted the increased rate of educators leaving the profession, 26% higher in 2020-21 according to CalSTRS and presented by the District. (p.446 of the District presentation). As of February 11, 2022, ninety-nine (99) educators have already received resignations or retirements for this school year, which will impact staffing in 2022-23.⁷

The District's inability to staff positions has also led it to [subcontract significant portions](#) of the certificated bargaining unit, including the work of language, speech and hearing specialists, school

⁶ The District also has a separate list of vacancies that have [been authorized to be filled that is different](#).

⁷ The Union obtained this list from the Employer and can share with the panelists but has not attached it to protect the confidentiality of the educators.

psychologists, and school nurses—in direct violation of [collective bargaining agreements](#) with SCTA.

In addition, [one of the most controversial proposals the District has on the table](#) is that would have the right to subcontract teaching responsibilities to an on-line service entitle Accelerate Ed “in order to provide online instruction for classrooms that do not have a permanent teacher in place as of October 15, 2021 and until the District is able to find a regular credentialed teacher to fill the vacancies.” [Emphasis in the original proposal.] The District’s proposal also includes no expiration date.

[SCUSD also has approximately 400 classified staff vacancies.](#) The classified vacancies, including instructional aides, campus monitors, health aides, office managers, crossing guards, yard duty staff, and even bus drivers impact certificated staff who are often called upon to pick up many of the job duties of vacant classified positions throughout the District, and vice versa.

The staffing shortages have impeded the learning conditions for students, while significantly increasing the workload for educators. The lack of adults on campus has also resulted in increased outbreaks of violence on some campuses, including Hiram Johnson High School, which has the highest number of permanent vacancies among certificated staff, as well as the highest percentage of daily substitute positions that have gone unfilled among SCUSD’s six comprehensive high schools. SCTA has been compelled to [file a grievance at Hiram Johnson](#) in response to recent assaults that led to the [hospitalization of Hiram Johnson High School staff](#).

The staffing shortages have also had an impact on elevated health and safety concerns specifically related to COVID. For example, [SCTA filed a complaint](#), which remains pending, with the California Department of Occupational Safety and Health following a COVID outbreak at a small elementary school, New Joseph Bonnheim, because of the District’s failure to implement appropriate COVID-related health and safety protocols, and the District’s inability to provide contact tracing for exposed staff due to shortages of school nurses and other health care professionals.

Unfortunately, the District’s staffing shortage is not just limited to permanent certificated and classified staff. The District also has an acute shortage of substitute teachers, with a substantial portion of the shortage attributable to a operational dysfunction in the SCUSD central office.

B. The Substitute Staffing Crisis is Exacerbating Existing Inequities That Plague the District

Since January 3, 2022 when classes resumed after Winter Break, through February 25, 2022, the District has had 3,795 unfilled substitute positions, 32.60% of all substitute requests over that period, or 101.5 positions per day. With a conservative estimate of 30 students per teacher, that means that 3045 students per day are without even a substitute teacher, resulting in classes being doubled and tripled up, with sometimes as many as three hundred or more students being warehoused in a campus cafeteria or auditorium.

More significantly, the substitute shortage does not impact schools equally. Generally, the schools with the highest percent of students with the greatest needs (foster youth, English language learners, and low-income students) have a much higher likelihood of unfilled substitute positions.

School	Request Filled? No	Request Filled? Yes	Grand Total	Precent Unfilled	Unduplicated Student Population %
SERNA CENTER - SPECIAL EDUCATION DEPT	6		6	100.00%	n/a
SPECIAL EDUCATION- SHRINERS HOSPITAL	1		1	100.00%	n/a
SUCCESS ACADEMY (4-8)	60	12	72	83.33%	100.00%
JOHN MORSE THERAPEUTIC CENTER (K-8)	9	3	12	75.00%	85.37%
FATHER KEITH B KENNY ELEMENTARY (K-8)	73	40	113	64.60%	92.76%
JOHN SLOAT BASIC ELEMENTARY (K-6)	27	15	42	64.29%	95.24%
CESAR CHAVEZ INTERMEDIATE (K-6)	51	36	87	58.62%	91.26%
SCHOOL OF SCIENCE AND ENGINEERING HIGH SCHOOL (9-12)	65	46	111	58.56%	71.53%
ROSA PARKS (K-8)	144	113	257	56.03%	92.92%
MARTIN LUTHER KING JR. ELEMENTARY (K-8)	63	55	118	53.39%	82.44%
OAK RIDGE ELEMENTARY (K-6)	111	105	216	51.39%	96.28%
GEORGE WASHINGTON CARVER SCHOOL OF ARTS & SCIENCE	56	54	110	50.91%	55.04%
PACIFIC ELEMENTARY (K-6)	107	105	212	50.47%	94.69%
NICHOLAS ELEMENTARY (K-6)	81	89	170	47.65%	96.15%
ELDER CREEK ELEMENTARY (K-6)	91	100	191	47.64%	92.27%
HIRAM JOHNSON HIGH SCHOOL (9-12)	286	319	605	47.27%	86.91%
HEALTH PROFESSIONS HIGH SCHOOL	11	13	24	45.83%	82.86%
CAROLINE WENZEL ELEMENTARY (K-6)	18	22	40	45.00%	79.55%
JOHN CABRILLO ELEMENTARY (K-6)	28	35	63	44.44%	91.72%
PETER BURNETT ELEMENTARY (K-6)	53	67	120	44.17%	89.10%
ALBERT EINSTEIN MIDDLE SCHOOL (7-8)	63	83	146	43.15%	75.96%
HOLLYWOOD PARK ELEMENTARY (K-6)	16	23	39	41.03%	78.89%
ROSEMONT HIGH SCHOOL (9-12)	247	358	605	40.83%	67.64%
LUTHER BURBANK HS (9-12)	136	205	341	39.88%	88.70%
PARKWAY ELEMENTARY (K-6)	127	203	330	38.48%	94.63%
EDWARD KEMBLE ELEMENTARY (K-6)	77	125	202	38.12%	92.71%
C.K. MCCLATCHY HIGH SCHOOL	212	349	561	37.79%	57.92%
BRET HARTE ELEMENTARY (K-6)	30	50	80	37.50%	86.12%
SUTTER MIDDLE SCHOOL (7-8)	53	91	144	36.81%	45.57%
LEATAATA FLOYD ELEMENTARY (K-6)	82	141	223	36.77%	95.31%
ETHEL PHILLIPS ELEMENTARY (K-6)	58	102	160	36.25%	96.46%
JAMES W. MARSHALL ELEMENTARY (K-6)	25	45	70	35.71%	83.84%
TAHOE ELEMENTARY (K-6)	19	35	54	35.19%	72.41%
JOHN BIDWELL ELEMENTARY (K-6)	48	90	138	34.78%	93.59%
WASHINGTON ELEMENTARY (K-6)	41	79	120	34.17%	58.93%
CHILDREN CENTER	199	406	605	32.89%	n/a
JOHN F KENNEDY HIGH SCHOOL (9-12)	171	356	527	32.45%	61.30%

AMERICAN LEGION HIGH SCHOOL (9-12)	22	47	69	31.88%	85.64%
SUSAN B. ANTHONY ELEMENTARY (K-6)	44	100	144	30.56%	85.93%
DAVID LUBIN ELEMENTARY (K-6)	41	97	138	29.71%	44.98%
THE MET HIGH SCHOOL (9-12)	14	34	48	29.17%	56.25%
ABRAHAM LINCOLN ELEMENTARY (K-6)	51	127	178	28.65%	89.44%
WILLIAM LAND ELEMENTARY (K-6)	16	43	59	27.12%	62.53%
WILL C. WOOD MIDDLE SCHOOL (7-8)	77	215	292	26.37%	93.93%
NEW TECHNOLOGY HIGH SCHOOL (9-12)	3	9	12	25.00%	69.60%
PONY EXPRESS ELEMENTARY (K-6)	30	90	120	25.00%	60.82%
KIT CARSON INTERNATIONAL ACADEMY (7-12)	44	142	186	23.66%	64.84%
WOODBINE ELEMENTARY (K-6)	25	83	108	23.15%	93.98%
CAMELLIA BASIC ELEMENTARY (K-6)	15	50	65	23.08%	86.90%
CAPITAL CITY INDEPENDENT STUDY SCHOOL (K-12)	35	123	158	22.15%	n/a
JOHN H. STILL	33	116	149	22.15%	90.38%
O.W. ERLEWINE ELEMENTARY (K-6)	18	64	82	21.95%	62.37%
MATSUYAMA ELEMENTARY (K-6)	15	59	74	20.27%	51.41%
HUBERT BANCROFT ELEMENTARY (K-6)	19	77	96	19.79%	60.76%
LEONARDO DA VINCI (K-8)	28	120	148	18.92%	38.26%
SAM BRANNAN MIDDLE SCHOOL (7-8)	23	99	122	18.85%	81.37%
ISADOR COHEN ELEMENTARY (K-6)	13	58	71	18.31%	87.83%
SEQUOIA ELEMENTARY (K-6)	28	132	160	17.50%	73.54%
BOWLING GREEN (McCoy) ELEMENTARY K-6	12	59	71	16.90%	92.84%
EARL WARREN ELEMENTARY (K-6)	10	53	63	15.87%	94.20%
ETHEL I BAKER ELEMENTARY (K-6)	14	75	89	15.73%	97.42%
NEW JOSEPH BONNHEIM (K-6)	22	123	145	15.17%	82.00%
CALIFORNIA MIDDLE SCHOOL (7-8)	21	121	142	14.79%	61.89%
FERN BACON BASIC MIDDLE SCHOOL (7-8)	25	147	172	14.53%	94.86%
MARK TWAIN ELEMENTARY (K-6)	20	124	144	13.89%	91.05%
THEODORE JUDAH ELEMENTARY (K-6)	9	57	66	13.64%	33.97%
H. W. HARKNESS ELEMENTARY (K-6)	14	89	103	13.59%	86.50%
CALEB GREENWOOD (K-8)	17	118	135	12.59%	29.91%
GOLDEN EMPIRE ELEMENTARY (K-6)	14	104	118	11.86%	71.30%
A.M. WINN (K-8)	16	142	158	10.13%	70.79%
WEST CAMPUS HIGH SCHOOL (9-12)	9	95	104	8.65%	54.76%
BOWLING GREEN (Chacon) ELEMENTARY K-6	4	85	89	4.49%	92.84%
SUTTERVILLE ELEMENTARY (K-6)	4	104	108	3.70%	39.87%
GENEVIEVE DIDION (K-8)	2	59	61	3.28%	35.95%
CROCKER RIVERSIDE ELEMENTARY (K-6)	2	72	74	2.70%	24.41%
ALICE BIRNEY WALDORF-INSPIRED (K-8)	3	158	161	1.86%	36.49%
PHOEBE A. HEARST BASIC ELEMENTARY (K-6)		50	50	0.00%	19.73%
Grand Total	3757	7690	11447	32.82%	69.60%

Consider, for example, two SCUSD elementary schools. Phoebe Hearst Elementary School is located in East Sacramento, one of the most affluent neighborhoods in Sacramento where the median household income is \$106,514. At 19.73%, Phoebe Hearst has the lowest percentage of

students with the highest needs, well below the District average of 70%. Since January 3, every request for a substitute teacher has been filled, 50 out of 50.

In contrast, Father Keith B. Kenny Elementary is located in Oak Park, one of the most economically challenged neighborhoods in Sacramento, where the median household income is \$50,925. The percentage of students in need at FKBK Elementary is 92.76%. Since January 3, substitute positions have gone unfilled 64.60% of the time, or 73 times out of 113.

The negative impact of the staffing shortage on students is enormous. Unfortunately, it is not limited only to the students being crammed into doubled-up classrooms and warehoused in auditoriums and cafeterias.

Because of the shortage of certificated educators, today there remain 600 students who are waiting to be enrolled in the District's Independent Study program at Cap City. This means that for all intents and purposes, 600 SCUSD students have received little or no instruction at all this entire school year.

C. US Secretary of Education Cardona's Recommendations to School Districts

In his [December 16, 2021 letter to school districts](#), US Secretary of Education Miguel Cardona notes that "History has shown shortages disproportionately impact students of color, students from low-income backgrounds, students with disabilities, and often rural communities." Secretary Cardona then lays out a number of strategies that school districts should employ to address the staffing shortage and enhance students' educational opportunities:

1. Increase Educator and Staff Compensation
2. Build and Maintain a Cadre of High-Quality Substitute Teachers
3. Support Educator and Staff Well-Being, Including Improved Working Conditions (including reducing educator workload)
4. Make Investments in the Educator Pipeline.

While Secretary Cardona's recommendations mirror the SCTA proposals to address the staffing crisis in SCUSD, they stand in direct opposition to the District's response.

D. The Learning Policy Institute's Recommendations to California School Districts

The sound, reasonable approach outlined in Secretary Cardona's letter and reflected in SCTA's proposal also describes the Learning Policy Institute's recent recommendations to California school districts responding to the COVID pandemic. The Learning Policy Institute is a Stanford-based education think tank founded by professor Linda Darling Hammond, who now is the President of the California School Board. The recent report, ["Teacher Shortages During the Pandemic: How California School Districts are Responding,"](#) offers as its top recommendation: "Recruit and retain teachers by improving compensation through federal action."

E. The Research is Clear that Great Teachers Matter

“In the last ten years there's been a lot of research done about what makes a difference for student achievement, and it's now clear that the single most important determinant of what students learn is what their teachers know. Teacher qualifications, teacher's knowledge and skills, make more difference for student learning than any other single factor.” Linda Darling Hammond ([link](#))

For the Sacramento City Unified School District to provide the best educational program for students it must attract and retain the best educators. **Teachers are the most important factor affecting student outcomes/achievement:**

- [A Review of the Literature on Teacher Effectiveness and Student Outcomes](#): Teaching for Excellence and Equity
- [Teachers Matter, Understanding Teachers' Impact on Student Achievement](#): RAND

“Many factors contribute to a student’s academic performance, including individual characteristics and family and neighborhood experiences. But research suggests that, among school-related factors, teachers matter most. When it comes to student performance on reading and math tests, teachers are estimated to have two to three times the effect of any other school factor, including services, facilities, and even leadership.”

- [Valuing Teachers: How Much is a Good Teacher Worth?](#) Economic Policy Institute

Unfortunately, the teacher pay gap is wider than ever, putting educational institutions at a competitive disadvantage when competing with other industries for a workforce:

- [Teacher pay gap is wider than ever](#): Economic Policy Institute

“The teacher pay penalty is bigger than ever. In 2015, public school teachers’ weekly wages were 17.0 percent lower than those of comparable workers—compared with just 1.8 percent lower in 1994...An effective teacher is the most important school-based determinant of education outcomes. It is therefore crucial that school districts recruit and retain high-quality teachers...In light of these challenges, providing adequate wages and benefits is a crucial tool for attracting and keeping the teachers America’s children need.”

- [The teacher weekly wage penalty hit 21.4 percent in 2018, a record high](#): Economic Policy Institute

Low pay and poor working conditions are contributing to an unprecedented teachers’ shortage that will only grow in years to come:

- [The teacher shortage is real, large and growing, and worse than we thought](#): Economic Policy Institute

Sacramento City Unified School District must put students first by prioritizing attracting and retaining high quality educators as one of the central missions of the district going forward.

- [How to Attract and Retain Excellent Educators](#): Learning Policy Institute

“This report reviews an extensive body of research on teacher recruitment and retention, and identifies five major factors that influence a teacher’s decision to enter, remain in, or leave the teaching profession, generally, and high-need schools, specifically. Those factors are: salaries and other compensation; preparation and costs to entry; hiring and personnel management; induction and support for new teachers; and working conditions, including school leadership, professional collaboration and shared decision making, accountability systems, and resources for teaching and learning.”

- [Solve Shortages by Strengthening the Profession](#): Learning Policy Institute

“Not surprisingly, the lack of competitive compensation is one factor that frequently contributes to teacher shortages, affecting the quality and quantity of people planning to become teachers as well whether people decide to leave the teacher workforce. Even after adjusting for the shorter work year in teaching, beginning teachers nationally earn about 20% less than individuals with college degrees in other fields—a wage gap that widens to 30% by mid-career. Large inequities in teacher salaries among districts within the same labor market leave some high-need, under-resourced districts at a strong disadvantage in both hiring and retaining teachers. More competitive compensation can be a critical strategy to recruit and retain effective educators, although different approaches may be necessary depending on the state, regional, and district context.”

- [Raising public school teacher pay-What the research says](#): Journalist’s Resource (issue overview)

“Research conducted in recent years in various parts of the country and world has helped clarify the role of teacher pay. Many of these studies have found that increased pay — whether through salary hikes, one-time bonuses, college debt-forgiveness programs or other new forms of compensation — is associated with:

- Improved teacher retention.
- Gains in student performance.
- A larger percentage of high-achieving college students taking courses in education.
- An increased likelihood of hiring teachers who earned top scores on their educator certification exams.”

F. The SCUSD Local Control Accountability Plan (LCAP)

The recommendations from the United States Department of Education and prestigious academic policy centers like the Learning Policy Institute are even reflected in SCUSD’s Local Control Accountability Plan, or LCAP. Originating from state law passed and implemented during Jerry Brown’s most recent tenure as Governor, the Local Control Funding Formula (LCFF) revamped how the state provides funding for local school districts. State funding through LCFF is the single largest source of revenue for local school districts, and for districts like SCUSD additional funding is

provided based on the number of students who are identified as higher need (foster youth, English language learners, and low-income students, often referred to as the unduplicated percentage of pupils, or UPP).

Each district is required to create a Local Control Advisory Committee, which typically includes parents and other invested stakeholders, who meet to develop a strategic plan for the district, which establishes the district's goals, and how those goals will be met, including the expenditures necessary to achieve those goals.

SCUSD's [current LCAP establishes](#) as a top priority that "SCUSD will maintain sufficient instructional materials, safe and clean facilities, core classroom staffing, and other basic conditions necessary to support the effective implementation of actions across all LCAP goals." P. 147/289

To achieve that, the LCAP further states that SCUSD must: "Maintain a competitive salary and benefit package for certificated staff to increase the district's ability to recruit highly qualified candidates, retain experienced teachers, and reduce overall turnover," while allocating \$14,203,819 to achieve that goal. P. 196/289.

And just this past Thursday, March 3, 2022, [the school board reaffirmed](#) its commitment to those goals expressed in the LCAP.

2021-22 LCAP Parent Advisory Committee (PAC) Initial Recommendations

Individualized Supports/Personalization to Address the Identified, Unique Needs of Each and Every Student		
Themes	Short Term	Mid-term
Systems for accurately and regularly evaluating student performance and progress	<ul style="list-style-type: none"> Evaluation of all students to identify learning gaps by the end of the year so we can provide them the appropriate help Provide data on existing assessments and identify gaps - prioritize those students that have received zero assessments and administer accordingly Identify assessment tools being used successfully and facilitate the expansion of these across school sites 	<ul style="list-style-type: none"> Regular evaluation of the pre-literacy and reading skills K-3 Create a cross-sectional educational partner group to analyze existing assessments being used across the district - develop a set of recommended best practices Identify best practices for assessment when working with specific student populations
Address learning loss and close gaps (academic and social)	<ul style="list-style-type: none"> Students who are most at risk receive targeted summer program support for 6 weeks Expanded credit recovery and dual enrollment opportunities to get high school students on track Address social gaps resulting from the pandemic in addition to academic gaps Bring all K-3 students to grade level standard in Reading and Math 	<ul style="list-style-type: none"> Effective implementation of strategies for differentiation, including Universal Design for Learning (UDL) Targeted increase in early education services (Preschool and Early Kindergarten) to identify and close gaps Solidify Tier 1 MTSS programs across the district
Strategic partnerships to build capacity, leverage expertise, and break down walls between school and community	<ul style="list-style-type: none"> Engage a cross-sectional group to identify strategic community partners and resources, inventory existing partnerships, and develop a vetting process. 	<ul style="list-style-type: none"> Expand community schools model Better connect schools with their surrounding neighborhoods and regional resources
Increased adult support in classrooms and elimination of vacancies	<ul style="list-style-type: none"> Increase the number of adult support staff on campus, including the number of instructional aides in classrooms Earlier start date for the district beginning in 2023 to maximize competitive advantage in hiring. Begin conversations/negotiations now. 	<ul style="list-style-type: none"> Build employee pipelines that support community and staff to obtain credentials and certifications for instructional positions Employee pipelines focused on increasing alignment/representation reflective of the district student population Incentivize incoming talent and reward existing talent
Provide Mental Health and Social-Emotional Supports Equitable Program Opportunities	<ul style="list-style-type: none"> Increased and equitable extracurricular opportunities: Sports (interscholastic and intramural), art, music, clubs, vocational, college trips and field trips, and other adult-led, social activities Prioritize/target equitable access for those with obstacles Provide a wide variety of extracurricular options for all Lower the barrier for entry 	<ul style="list-style-type: none"> Increase staffing and capacity to provide mental health supports (Student Support Centers)
Long-Term <ul style="list-style-type: none"> Implement an effective Multi-Tiered System of Supports (MTSS) rooted in the collaborative development of a personalized learning plan for each student that guides their academic, social, and emotional trajectory PreK-12 100% of SCUSD students graduate college and career ready with a clear, post-secondary plan 		

G. The District has Spent Millions of COVID Funds on Top Administrators

Consistent with US Department of Education and the Learning Policy Institute, the LCAP recommendations support the approach put forward by SCTA, and contradicts the bargaining posture of wage freezes and cutbacks the District is demanding.

With over 3000 students per day lacking even a substitute teacher and 600 students still waiting to be enrolled in Independent Study with only 3 ½ months left in the school year, it is clear the District's approach is not working.

While the District has been willing to fund portions of the [ongoing salaries of top administrators](#), including Superintendent Aguilar, out of COVID funds, it has been unwilling to use those dollars or the District's other considerable resources to address the staffing crisis in SCUSD and to provide a safe and healthy work environment. [Based on recent information obtained from the District](#), the District has spent over \$1 million in COVID funds on the wages and benefits of the approximately 125 unrepresented managers which includes Superintendent Aguilar, his Cabinet and other top administrators.

Additionally, the District has increased the number of school administrators by more than 11.6%, with the majority paid out of COVID funds.

H. The School Board Has Increased Superintendent's Compensation Package Substantially, while Demanding a Five-Year Wage Freeze and Cut in Educator Take-Home Pay

Finally, any discussion regarding the staffing shortage in Sac City has to include an analysis on how the District has spared no expense on Superintendent and certain other top administrators, in comparison to other District staff, especially in light of the District's "North Star" of "Equity, Access and Social Justice.

SCUSD has collective bargaining agreements with four separate organizations:

1. The Sacramento City Teachers Association: there are 2239.36 FTEs in the certificated bargaining unit.
2. Service Employees International Union Local 1021: there are 1238.84 FTEs in the classified bargaining unit;
3. Teamsters Local 150: there are 94.0 FTEs in the two bargaining units represented by the Teamsters, which include plant managers and classified supervisors;
4. United Professional Educators: There are 135.0 FTEs represented in the administrators' bargaining unit, which includes principals, assistant principals, and other middle-level administrators;

There are also an additional 126.80 FTEs of administrators and confidential employees who are unrepresented.

Since July 1, 2019, only two employees in the entire district have received across-the-board salary increases: Superintendent Aguilar and Chief Business Officer Rose Ramos.

Despite a public vow and a school board resolution that Mr. Aguilar would not accept a salary increase until the SCUSD budget received either a qualified or positive certification, between July 2019 and December 2021, Mr. Aguilar's salary alone increased from \$295,000 to \$327,071 or 10.87%.

In response to its claims that the District was on the verge of insolvency, on March 7, 2019, the SCUSD [school board passed a resolution](#), No. 3060 "On Fiscal Solvency Plan to Save Our Schools" which included the following:

"District Superintendent, Jorge Aguilar, has agreed to forgo any salary increase allowed under his Employment Agreement until the District receives either a qualified or positive certification as defined in Education Code section 42131, subdivision (a)(1)."
SCUSD Board Resolution No. 3060, passed unanimously March 7, 2019

Five budgets later, in April 2020 the District still had not submitted a budget which has received "either a qualified or positive certification" but that didn't stop school board from violating its own

policy to give Mr. Aguilar a hefty pay raise, retroactive to July 1, 2019. To add insult to injury, the board's decision to significantly increase the Superintendent's total compensation occurred at the same meeting where just moments before it voted to layoff hundreds of classified staff and certificated teachers. These recent layoffs follow the school board's unanimous decision last year (at the same time it approved Resolution 3060) to eliminate over 200 classified and 175 certificated positions.

The board's generosity toward Mr. Aguilar did not end in 2020. This past December, the day before Winter Break, the school board bestowed another lucrative wage and benefit package on Mr. Aguilar which included:

1. A Beginning Base Salary of \$327,071.
2. An Additional Estimated 5.6% salary increase (\$18,316) based on the California Consumer Price Index for this year.
3. Additional Lump Sum "Longevity" bonuses of 4% (\$13,802) in July 2022, 5% (\$16,353.55) in July 2023, 6% (\$19,624) in July 2024, and 7% (\$22,895) in July 2025 (based on his base salary.)
4. A Second Supplemental 403(b) Retirement Plan in which the District will contribute "an amount equal to the employee's maximum allowable" by law, which according to the IRS is currently \$20,500.
5. Expense Reimbursement of \$750 per month (with no receipts necessary).
6. Lifetime Retiree Health Insurance Benefits.
7. A new \$6000 benefit per year to purchase life insurance. (The District currently contributes \$13.32 per year for other employees).
8. A new Disability Insurance benefit "not to exceed \$7,700 per year." (The District currently does not pay for disability insurance for other employees).

In 2021-22 alone, therefore, Mr. Aguilar's total compensation will increase by \$66,318.

The school board, with the support of Sacramento County Office of Education Superintendent Dave Gordon, justified the enhancements to Mr. Aguilar's compensation package as an exercise in retention.

I. The School Board Has Also Provided a Substantial Increase in Compensation for Chief Business Officer Rose Ramos

Ms. Ramos's substantial increase provides another rationale—additional compensation for additional job duties. On May 20, 2021, [the school board approved](#) a **retroactive** pay increase in Ms. Ramos's salary from \$202,351 to \$236,419 or 16.83%. The Board justified the increase because it was alleged that since November 2019, Ms. Ramos had also picked up some of the responsibilities of the Chief Operations Officer whose position remained unfilled, and that the expense of her increase would be offset by the keeping the Chief Operations Officer position unfilled. The school board neglected to mention that the District had also added two Assistant Superintendent positions—one in the Business Office and another in the Operations Office each earning approximately \$150,000 per year in salary alone. In short, the District replaced one position by increasing the pay of one administrator and adding two additional top administrators and then claims it's to save money.

Ironically, outside of the SCUSD Cabinet, staff throughout the District have been filling in for the vacancies of their co-workers, but unlike the second highest paid employee in the District, the District expects that extra work to occur without additional compensation, and certainly without a 16.83% increase to their salary schedule.

In its treatment of the two highest paid administrators in the District has provided a template: increase the salaries for recruitment and retention purposes, and compensate employees for providing extra work to the District. For the other 99.7% of the District's employees, SCUSD has taken an opposite approach: wage freezes, reduction in educator's take-home pay, and increased workload without additional compensation.

IV. Protecting Health and Safety

Educators' concerns related to health and safety are not only limited to those that stem from a lack of staff on school campuses, and are reflected in SCTA's comprehensive proposal on health and safety.

SCTA's proposal begins with the [MOU agreed to by the parties on March 20, 2021](#) as its foundation, with updates to reflect the circumstances that have changed since the MOU was reached nearly one year ago.

Major points of disagreement between [the parties are summarized here](#).

V. Keeping Kids Learning:

With the school year nearly sixty percent (60%) over, six hundred students are still waiting to be enrolled in Independent Study. AB 130 which went into law on July 9, 2021, requires the District to provide instruction to those students. Rather than work with SCTA to address the multiple issues facing the implementation and operation of Independent Study, the District has stalled and delayed and continues to shift blame for its own failures to meet the requirements of AB130.

In late August, for example, SCUSD's chief negotiator stated repeatedly that the District had everything in order and was "totally prepared" for the commencement of classes on September 2. They were not.

It was not until late last month, after pressure from the union, that SCUSD posted vacancies to fill the certificated positions for Independent Study instruction. But that hasn't prevented the District from continuing to play the blame game. For example, [as recently as February 19, 2022](#), the District excused its backtracking on its vaccination mandate for students because it lacked the capacity to provide Independent Study for those students who refused to comply with the mandate: "As our district's February 28 vaccine mandate deadline approaches, given current agreements with our labor partners, it is clear that SCUSD does not have capacity in our Independent Study program for a significant increase in enrollment." There is no current agreement in place, and the terms and

conditions of the expired SCUSD-SCTA contract does not prevent the District from hiring certificated staff, even on a temporary basis, to fill vacancies.

The single biggest obstacle to provide a functioning Independent Study option to **all students** is the absence of certificated teaching staff to provide instruction. By the District's own conservative estimate in Independent Study alone, [there remain at least 13 certificated vacancies, 8 elementary and 5 secondary positions](#). We believe that based on the number of students still waiting to be enrolled that need is greater.

The District has rejected proposals that would make a transition of staff into Independent Study more attractive: allowing staff who either themselves or have immediate family members with health and safety conditions that make them more vulnerable to COVID to teach remotely from home, with a guaranteed right of return to their home school, for example.

The parties have exchanged proposals on staff who remain at their home schools picking up additional independent study students. But there is a disconnect between the proposal the District presented at the bargaining table and Superintendent Aguilar's description to the school board of how the District is proposing to address the issue in bargaining. [Mr. Aguilar's comments can be viewed here](#). When SCTA revised its proposal to match Mr. Aguilar's statement of the District's position: assigning teachers no more than 10 students and compensating them for eight (8) hours of extra work each week, the District rejected its own proposal.

The differences between the parties regarding Independent Study are not just limited to staffing, however.

The District has rejected SCTA's proposal that "Students with disabilities would be offered the independent study instructional model the same as general education students."

The District has described its Independent Study as "more robust" than "the minimum required by AB130," but with 600 students on a waiting list it has struggled to meet even that minimum standard. A cursory examination of the District proposal shows that one key element of its "more robust" instructional model includes a return to a "concurrent" instructional model, or "Roomie, Zoomie," the failed instructional model employed in the spring whereby teachers provided live instruction to a classroom full of students while students at home "participate" via Zoom. It is also notable that the District's demand for a concurrent instructional model occurred after it first reached a conceptual agreement on the short-term independent instructional model proposed by SCTA. On August 30, 2021, SCUSD responded to SCTA's proposal with virtually identical language only to regress on September 16, 2021 to its demand for concurrent learning.

A fuller comparison of the differences [between the parties is provided here](#).

VI. What Other Districts Are Doing

A. School Districts in the Sacramento Metropolitan Region and Similarly Funded School Districts Have invested in Educators with Historic One-time and On-going Monies

Unlike SCUSD, other Sacramento-area school districts, and districts throughout the state, have used historic levels of one-time and on-going funding to make critical investments in their educator workforce. These investments have taken the form of both one-time and on-going financial commitments. This also includes the Oakland Unified School District, which, contrary to SCUSD, has had significant and legitimate budget issues. Its size and composition in terms of students requiring extra services is similar to SDUSD district as well. All of the selected districts (including Oakland Unified) have used federal and state funding to improve the pay and/or benefits of their educators as shown in the table below.

General and COVID Related Staffing Measures in Area and Similar School Districts								
Districts	2019-20 Salary Schedule Increase	2021 One-time Payment	2021 Salary Schedule Increase	21-22 One-time payments	21-22 Salary Schedule Increase	Pay Cuts	21-22 Bargained COVID Leave	Other
San Juan Unified	None	3.50%	3%	\$3,000	None	None	Yes, 10 Days per incident	1% increase for calendar extension, up to \$2,000 for IS grading, \$500 for on-line lesson planning for IS.
Twin Rivers Unified	2%	None	2%	\$1.50	1%	None	Yes, 5 days	Comp for routine COVID testing, non-classroom teacher who sub, and covering split classes.
Natomas Unified	3.40%	\$1,000	1%	\$250 for class supplies	1%	None	Yes, unlimited for vaccinated	N/A
Elk Grove	none	1%	2%	2%	2%	None	None	N/A
Folsom Cordova	0.50%	1%	3.50%	\$2,500	3%	None	None	N/A
Fresno Unified	3%	\$2,750	none	0.50%	4%	None	N/A	N/A
Stockton Unified	2%	4%	Still Bargaining	Still Bargaining	Still Bargaining	None	Yes, six days	N/A
Oakland	None	None	None	\$2000, March; \$1,000 Retention Bonus	\$1,000 for every cell	None	Yes, 10 days	N/A

B. Sacramento City Unified School District's Spending on Educators is Consistent with Similarly Sized School Districts in the Sacramento Metropolitan Region and the State

Bargaining between school districts and local unions is unique in each circumstance. While educators' priorities vary from district to district, three major areas are generally consistent throughout the state: wages, benefits, and other working conditions. Wages take the form of general pay represented in a salary schedule and stipends for extra duty. Benefits include health and welfare as well as leave provisions, and the main working condition that creates significant costs to school districts is class or case size and educator caseloads. Additionally, the state and federal governments require through statute certain expenditures for benefits provided by state or federal laws (e.g., retirement, Medicare, etc.). Taken together these major expenditures constitute the bulk of spending by school districts throughout the state.

We looked at all of the 23 unified school districts in the state with more than 30,000 students to see how SCUSD compares in terms of overall district spending for these kinds of outlays. We focused on the 2019-20 school year because it was the last year of normal funding (without large sums of

COVID relief monies). As shown below, SCUSD was 9th in this measure, with several large districts spending a larger share of their budgets on these outlays than SCUSD, including Elk Grove and San Juan in the greater Sacramento metropolitan area and Long Beach Unified (with a similar percentage of Unduplicated Pupils UPP).

Districts	Bargaining Unit Total Spending as a percent of Outgo	Rank
Corona-Norco	62%	1
Freemont	61%	2
Elk Grove	59%	3
Long Beach	59%	4
San Diego	59%	5
Poway	58%	6
San Juan	58%	7
San Ramon	58%	8
Sac City	58%	9
Capistrano	57%	10
Riverside	57%	11
Fontana	56%	12
Garden Grove	56%	13
Clovis	56%	14
Irvine	56%	15
Fresno	55%	16
Santa Ana	55%	17
San Bernadino	55%	18
Moreno Valley	54%	19
San Francisco	53%	20
Los Angeles	52%	21
Stockton	52%	22
Oakland	48%	23
Average	56%	

Source: based on 2019-20 Unaudited Actuals budget reports found on the California Department of Education's [Annual Financial Data](#) website

C. Sacramento City Unified School District Has One of the Highest Reserve Levels of Similarly- Sized School Districts in the State

It is important to note that SCUSD also has among the highest unrestricted reserve percentages of the districts in our comparative group. State law requires school districts to maintain a reserve threshold based on a district's size. All of these similarly sized districts are required to maintain reserve levels equal to 2% of their [expenditures and other financing uses](#) (Los Angeles Unified is a lone exception only required to maintain a 1% reserve). SCUSD's ability to maintain a healthy reserve is evidence that its repeated statements about its finances have been grossly misstated.

Districts	Total Unrestricted Reserves	Total Outgo	Unrestricted Reserves as a Percent of Outgo	Rank
Long Beach	\$274,756,421	\$918,268,108	29.92%	1
Fontana	\$146,033,273	\$508,179,452	28.74%	2

Stockton	\$138,889,034	\$505,860,594	27.46%	3
Los Angeles	\$2,117,241,105	\$7,720,582,375	27.42%	4
Clovis	\$124,516,977	\$492,941,973	25.26%	5
Moreno Valley	\$90,341,709	\$453,423,300	19.92%	6
Santa Ana	\$109,820,095	\$674,363,687	16.28%	7
Sac City	\$84,699,103	\$533,533,429	15.88%	8
Corona-Norco	\$89,822,208	\$594,320,237	15.11%	9
Fresno	\$147,872,111	\$1,022,445,470	14.46%	10
Capistrano	\$72,355,860	\$525,880,424	13.76%	11
Irvine	\$53,455,196	\$422,297,540	12.66%	12
Elk Grove	\$90,572,575	\$736,766,127	12.29%	13
San Ramon	\$43,649,949	\$358,802,627	12.17%	14
Poway	\$48,597,524	\$413,189,713	11.76%	15
Garden Grove	\$68,195,527	\$583,938,870	11.68%	16
San Juan	\$52,103,664	\$486,185,198	10.72%	17
Riverside	\$49,874,135	\$504,552,187	9.88%	18
San Diego	\$105,818,507	\$1,424,113,048	7.43%	19
Oakland	\$33,043,818	\$591,254,621	5.59%	20
Freemont	\$21,976,330	\$402,784,541	5.46%	21
San Bernadino	\$32,347,273	\$752,566,726	4.30%	22
San Francisco	\$23,024,664	\$938,023,093	2.45%	23
Average	\$927,993,157.09	\$937,577,102	15%	

Source: based on 2019-20 Unaudited Actuals budget reports found on the California Department of Education's [Annual Financial Data](#) website.

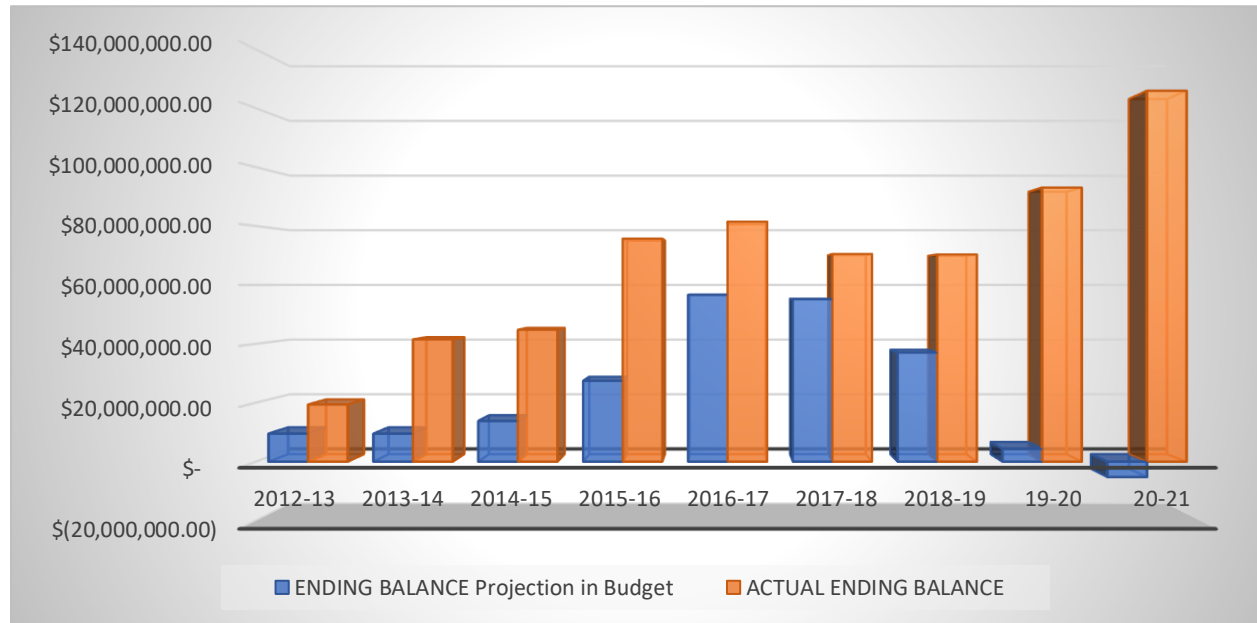
VII. Sacramento City Unified School District's Failure to Accurately Project Budgets, Its Historic and Unprecedented One-time Monies, and Significant Increases in On-going State Funding Presents a Historic Opportunity to Invest In Educators

A. Sacramento City Unified School District Historically Adopts Budgets that are Unreliable and Show Deficit Spending or Even Insolvency Only Later Disproven by End-of-the-Year Financial Documents

SCSD has historically failed to employ reliable budgeting practices, failures documented by the [California Fiscal Crisis Management Assistance Team \(FCMAT\)](#), [California State Auditor Elaine Howle](#), and the [California Collaborative for Educational Excellence](#).⁸ The chart below shows that

⁸ Even entities paid for the by the District and which include Superintendent Aguilar on its advisory board have been [critical of the District's budgeting failures](#).

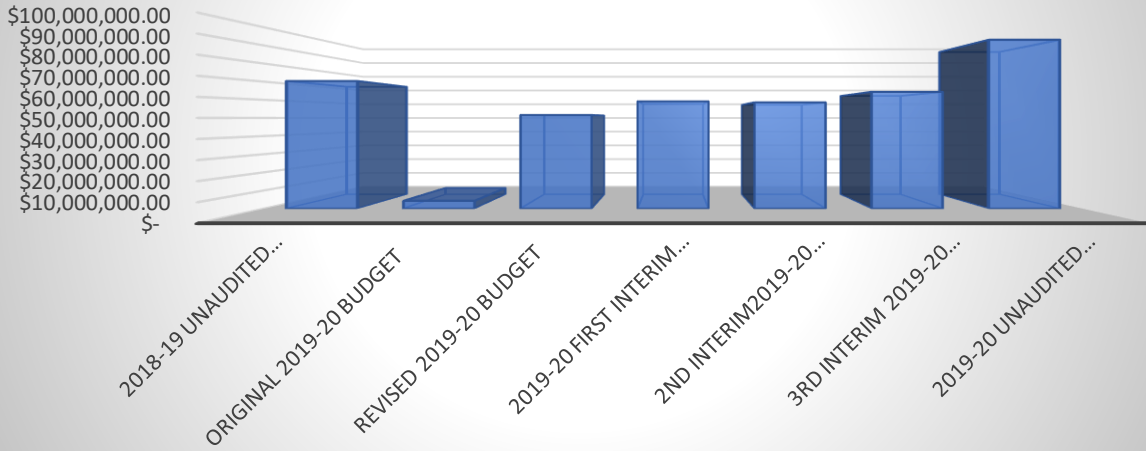
since the 2012-13 school year, there has been a wide discrepancy between what the district projects their ending balance of its general fund to be each year in their annual budget and what occurs when the district closes out its books for auditing purposes in a given fiscal year. In the 2020-21 school year, for example, the district was off by more than \$100 million dollars.



B. Wrong Numbers, Equal Bad Decisions: The SCUSD 2019-20 Budgeting Cycle

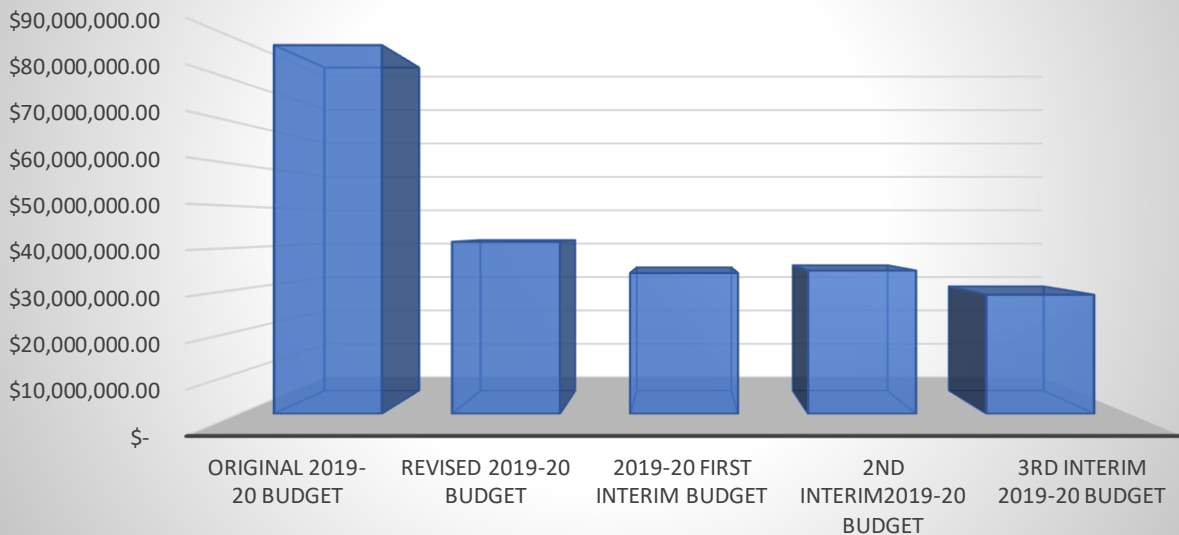
The District's 2019-20 budget shows in detail SCUSD's flawed budgeting projections. The failures are replicated in subsequent years, we focus on the 2019-20 school year because it was the last year of state funding prior to the huge infusions of COVID related one-time monies. It is also one year after the District's budget was first rejected by SCOE. In the 19-20 year the District projected in its budget adopted in June that they were going to be nearly insolvent by the end of the year spending almost their entire ending balance of \$70.3 million dollars left over from the 2018-19 school year. But instead of depleting their funds in 2019-20, they ended up increasing their ending balance by almost \$13 million dollars ending the 2019-20 school year with upwards of \$93 million dollars in reserves.

Ending Fund Balance Projections Throughout the 2019-20 School Year



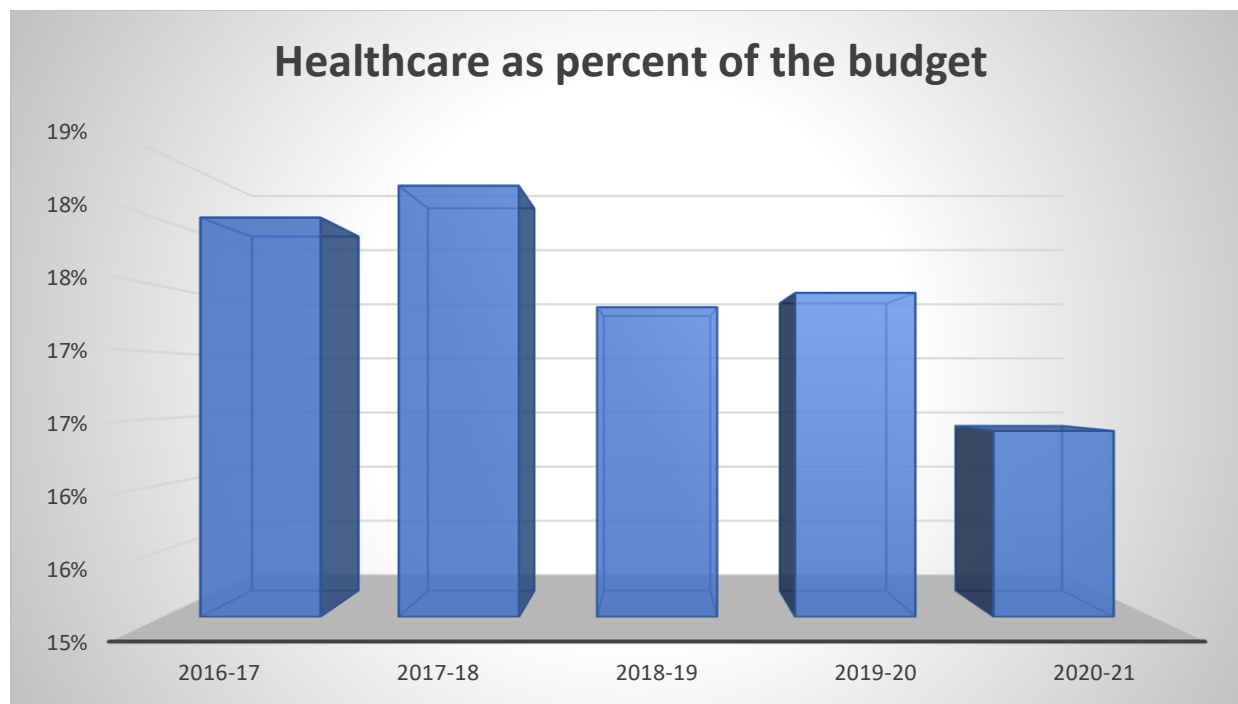
C. Throughout the 2019-20 school year, their financial reports were off by between \$30 and \$90 million dollars.

Reporting Difference from Unaudited Actuals for the 2019-20 School Year

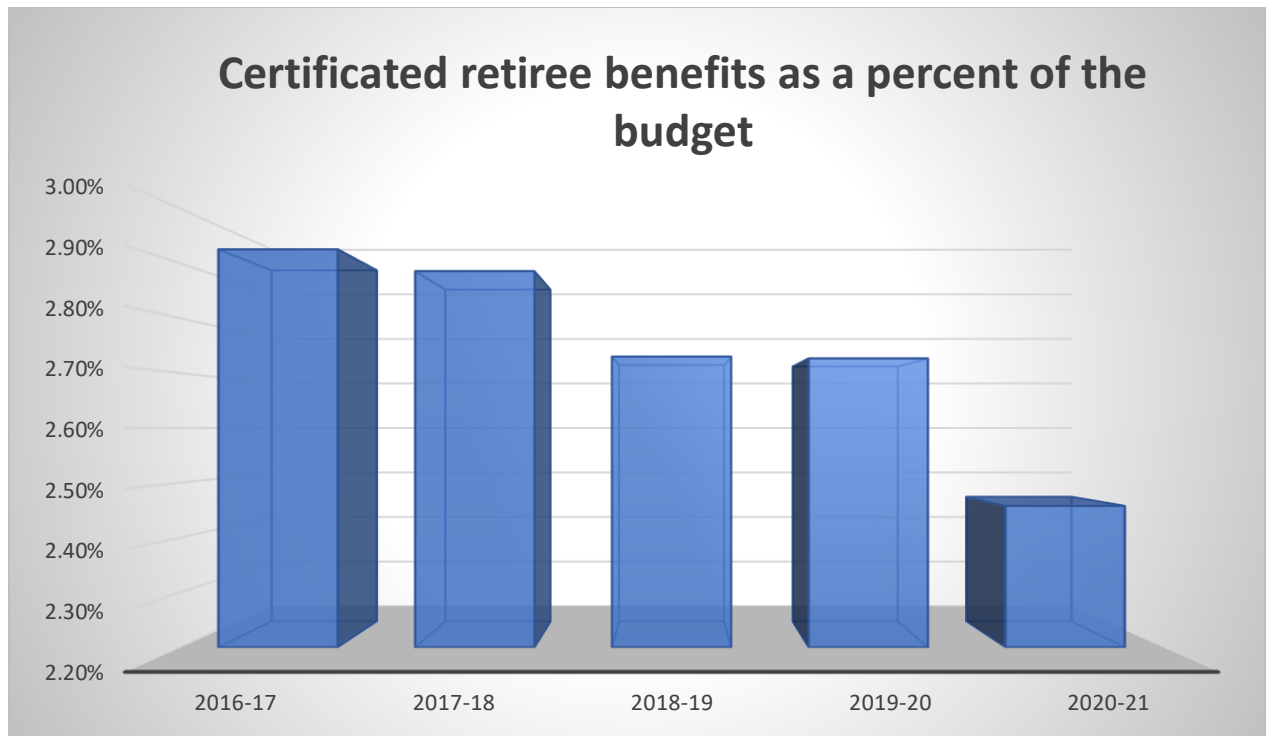


D. Sacramento City Unified School District's Inflated Budget Expenditures

SCUSD budgeting practices tends to overstate budget expenditures and understate revenues giving the appearance of a budget problem when one does not exist. Healthcare costs are one area that the school district routinely exaggerates the extent to which costs are inflicting damage on their budget. The chart below shows that healthcare costs as a percent of the SCUSD's budget have been falling the last couple of years. The District has proposed drastic cuts on employee's healthcare without a budget trend to justify their actions. In 2019-20, the District's overall spending on health insurance for certificated staff was over [\\$2,000,000 lower than the previous year.](#)



E. The District Has Also Experienced Lower Retiree Health Insurance Costs



2021-2022 and 2022-23 Budgets

F. In Addition to Massive Increases in On-going State Funding, Sacramento City School District Received Historic One-time Funding from the State and Federal Government Totaling \$320.2 Million Dollars

SCUSD spending on educators is consistent with similarly sized school districts in the state and therefore perfectly appropriate and reasonable. According to School Services of California, SCUSD has received (or will receive) \$320.2 million dollars in COVID relief monies since the beginning of the pandemic. Both State and Federal authorities have made it clear that it is perfectly [appropriate](#) for these resources to spent on educators.

Sacramento City Unified Sacramento County

Funding Type	Resource Code	Amount
ESSER I	3210	\$15,855,174
ESSER II	3212	\$67,632,182
ESSER III*	3213; 3214	\$154,311,760
ELO†	7425; 7426	\$28,585,878
IPI**	7422	\$13,394,403
LLM CR	3220	\$34,085,392
LLM GEER I	3215	\$2,855,750
LLM P98	7420	\$3,497,424

* ESSER III funding is Inclusive of 20% set-aside (Resource Code 3214) for learning loss resources

† ELO funding is Inclusive of 10% set-aside (Resource Code 7426) for paraprofessionals

G. The Governor's January Budget Shows Historic On-Going Funding Increases to K-12 Education

On January 10, 2022, Governor Newsom [released his initial budget for 2022-23](#). According to Governor Newsom:

“The 2021 Budget provided a blueprint for re-envisioning public schools as local mainstays of whole child care and familial support, and included a package of historic investments in before and after school care, comprehensive nutrition services, access to physical and mental health care, and increased training and support for educators. Effective implementation of this ambitious plan requires consistency and continued investment.

This [2022] Budget reflects this principle; by proposing the highest per pupil funding ever and providing ongoing funding for existing core programs like the Local Control Funding Formula (LCFF), special education, transitional kindergarten, nutrition, and expanded learning. It also supports public school system fiscal stability by mitigating the impacts of long-term declining

enrollment. Finally, it reflects the need to prepare for future challenges facing the state, including climate change and the evolving economic and workforce needs.”

In her [report](#) to the elected school board on the February 3, 2022 board meeting, SCUSD Chief Business and Operational Officer Rose Ramos presented the estimated impact of the Governor’s proposal on revenue numbers first provided in the first interim report. Ms. Ramos provided the following chart to show the impact of the January budget on the LCFF:

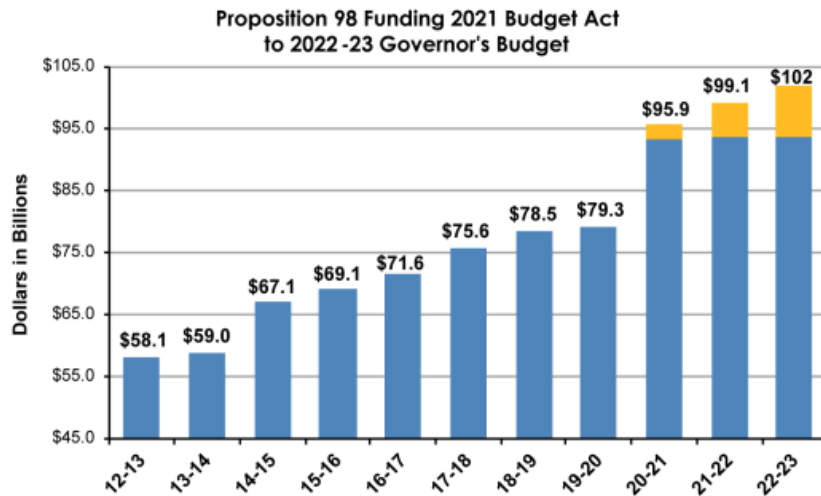
LCFF Projected Changes	2021-22	2022-23	2023-24	2024-25
2022-23 Governor's Proposal	\$434,355,408	\$441,824,790	\$446,693,669	\$457,250,037
2021-22 First Interim	\$435,769,916	\$421,198,106	\$430,357,310	\$444,831,680
Difference	(\$1,414,508)	\$20,626,684	\$16,336,359	\$12,418,357
LCFF Base	2021-22	2022-23	2023-24	2023-24
2022-23 Governor's Proposal	\$343,676,443	\$350,826,736	\$356,092,677	\$363,284,019
2021-22 First Interim	\$344,812,766	\$334,202,099	\$342,876,146	\$353,274,421
Difference	(\$1,136,323)	\$16,624,637	\$13,216,531	\$10,009,598
Supplemental/Concentration	2021-22	2022-23	2023-24	2023-24
2022-23 Governor's Proposal	\$84,135,430	\$84,454,519	\$84,057,457	\$87,422,483
2021-22 First Interim	\$84,413,615	\$80,452,472	\$80,937,629	\$85,013,724
Difference	(\$278,185)	\$4,002,047	\$3,119,828	\$2,408,759

The district also provided an update on how changes to special education funding provided in the Governor’s budget will provide more monies targeted for special education students.

	2021-22	2022-23	2023-24	2024-25
2022-23 Governor's Proposal	\$ 29,165,265	\$ 33,448,276	\$ 33,056,480	\$ 32,062,221
2021-22 First Interim	\$ 29,165,265	\$ 29,165,265	\$ 28,823,638	\$ 27,956,693
Difference	\$ -	\$ 4,283,011	\$ 4,232,842	\$ 4,105,528

H. The Historic Increases in Funding Contained in the Governor’s [January Budget](#) are Likely to be Even Greater in the May Revision Based on [Estimates](#) Provided by the Legislative Analyst’s Office

The Governor projects Proposition 98 funding to be \$102 billion dollars in the 2022-23 school year...



...whereas the Legislative Analysts Office projects the guarantee to be \$105.3 billion.

Additional Growth in the Guarantee in Budget Year. For 2022-23, we estimate the guarantee is \$105.3 billion, an increase of \$2.6 billion (2.6 percent) relative to the revised 2021-22 level. Growth in General Fund revenue and local property tax revenue both contribute to the higher guarantee. An additional contributing factor is the expansion of Transitional Kindergarten, a program that is currently open to

VII. Our solutions

Every day in the Sacramento City Unified School District, 3000 students lack even a substitute teacher, while 600 students are still waiting to be enrolled in Independent Study.

When all funding sources are considered, school districts in California [will receive at least \\$20,855 per](#) student, with SCSUD likely to receive more because of the higher needs of SCUSD students.

SCUSD has responded to the staffing crisis in the District by demanding a five-year wage freeze with a cut in the average educator's take-home pay by \$10,000 per year. It has yet to explain how these demands will help, rather than exacerbate, the staffing crisis in SCUSD.

In response to the staffing crisis, health and safety concerns regarding COVID and Independent Study, we have proposed the following:

1. An overall solution to recruiting and retaining staff presently and for the sustainable future;

- a. The District will drop the takeaways and work with SCTA to make SCUSD a Destination District for students and staff by extending the existing contract through June 2023 ([SCTA Contract Extension Proposal, January 27, 2022](#));
- b. Cost of living increases consistent with the cost of living provisions in Superintendent Aguilar's contract with SCUSD;
- c. No layoffs for 2022-23;
- d. Creation of a Recruitment & Retention Committee

2. Providing a safe and healthy work environment during the pandemic, including extending COVID sick leave days retroactive to October 1, 2021 ([Revised January 27, 2022 SCTA Health & Safety Proposal](#); [SCTA Proposal on School Nurses](#))

3. Addressing the immediate shortage of substitute teachers and additional work ([Revised November 30, 2021 Proposal on Substitutes and Extra Work](#))

4. Addressing the immediate crisis in staffing Independent Study (Incorporated into [Revised January 27, 2022 SCTA Health & Safety Proposal](#)).

Our reasonable proposals follow the recommendation of President Biden, US Secretary of Education Cardona and Governor Newsom—so should Superintendent Aguilar and the SCUSD Board of Education. In its presentation, the District recognizes that the higher attrition for educators through the country, and including here in California and more specifically, Sacramento, can be addressed by increasing compensation. It also follows--and it was notably absent in the District's presentation--that demanding massive concessions for certificated staff in this climate was a viable way to address the staffing crisis.

Finally, the District made no argument and presented no evidence whatsoever that its ability to respond to SCTA's proposals were impacted by the District's budget. As President Biden said last week, "Schools [have] money to hire teachers and help students make up for lost learning. I urge every parent to make sure your school does just that. They have the money."

SCUSD Chief Academic Officer Christine Baeta stated repeatedly that the most important component to a student's learning is a qualified, certificated teacher in the classroom. We agree and believe that the facts show that SCTA's proposals are the best way to accomplish that.

