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Raoul Bozio, In House Counsel

May 15, 2020

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Via electronic mail DFisher@saccityta.com

Re: Progress Reports During Distance Learning

Dear Mr. Fisher,

Thank you for your [email message of May 14](#). Unfortunately, your premise that the District is refusing to communicate with SCTA concerning grading during distance learning is inaccurate. In an email sent, [May 13](#), as well as an email to SCTA on [May 12](#) and a letter to SCTA leaders dated [May 8](#), the District invited SCTA to identify any effects related to District decisions concerning grading during the distance learning program and indicated that once we received that information we could meet with SCTA leaders. Your message below, however, does not identify any effects to working conditions that you wish to discuss.

As a reminder my May 13 email stated, in relevant part:

“Again, the District is happy to speak with you about those effects of this grading structure that are identified by SCTA and actually negotiable. In order for the District’s team to prepare for such meeting, please email me those effects of this decision that you believe to be negotiable.”

And my May 12 email stated, again in relevant part:

“It appears SCTA believes there may be negotiable effects of the District’s decision to modify the grading structure for the final quarter of the 2019-20 school year. The District is happy to speak with you about those effects that you identify that are negotiable. In order for the District’s team to prepare for such meeting, please email me those effects of this decision that you believe to be negotiable. Thank you”

Finally, Superintendent Aguilar’s May 8 letter announcing the grading structure adjustment for distance learning stated, in relevant part:

“If SCTA believes that there are negotiable effects of this decision, please notify us by Tuesday, May 12, 2020.”

In addition, the [e-Connect](#) that we sent out on May 8 also included the following line: To the extent required by law, the District will negotiate any effects of this change with its labor partners.

Thus, in three separate communications with SCTA leaders and in our e-Connect message, the District has indicated its willingness to communicate with SCTA regarding the District’s grading scale for the fourth quarter of the 2019-20 school year. The District has simply asked that SCTA identify what aspects of that policy it believes to be negotiable so the District can adequately prepare for our discussion. Despite these requests to SCTA leaders, there has been no identification of the negotiable effects that SCTA wishes to discuss. Rather, you have accused the District of refusing to meet with SCTA leaders on this issues, which is completely false based on the communications summarized above. It appears that it is SCTA leaders, not the District, who are not moving this discussion forward.

I will reiterate the District's offers made between May 8 and May 12 for the fourth time—should SCTA leaders wish to discuss any particular aspect of distance learning, please identify the negotiable effects that you would like to discuss and offer a date to meet.

Finally, you request at the conclusion of your message, [t]owards that end, we request, once again, that you put the progress reports on hold until such time that we have been able to discuss the issues related to them, as you are required by law to do.” The District, however, is unable to put the progress reports on hold. SCTA again has not identified any change to working conditions related to the issuing of progress reports, and moreover, issuing progress report is required in order to ensure that the District meets its legal obligations to provide sufficient notice to students and parents for any student in danger of failing. Consistent with Education Code 49067, District AR 5121 provides that, “whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067).”

Best Regards,

A handwritten signature in blue ink, appearing to read "Raoul Bozio".

Raoul Bozio, In-House Counsel
Sacramento City Unified School District