



OFFICE OF THE SUPERINTENDENT

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Jorge A. Aguilar, Superintendent

BOARD OF EDUCATION

September 23, 2019

*Jessie Ryan
President
Trustee Area 7*

Sent Via E-mail to dfisher@saccityta.com

*Darrel Woo
Vice President
Trustee Area 6*

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

*Michael Minnick
2nd Vice President
Trustee Area 4*

Re: 2019-2020 School Year Assessments

*Lisa Murawski
Trustee Area 1*

Dear Mr. Fisher:

*Leticia Garcia
Trustee Area 2*

It has recently come to my attention that leaders of the Sacramento City Teachers Association (“SCTA”), through weekly SCTA Messengers and correspondence to employees by certain SCTA site representatives, have directed employees not to administer the District-wide assessments for the 2019-20 school year because those assessments have not been agreed to by SCTA.

*Christina Pritchett
Trustee Area 3*

We understand that SCTA leaders have a different understanding to the Memorandum of Understanding on Monitoring of Student Progress (“MOU”) that was signed by former Superintendent Banda and SCTA in November 2016. While SCTA leaders have claimed that the District has “backtracked” on this MOU, our perspective is quite different. [As you know, that MOU was signed in November 2016 and references assessments for the 2016-17 school year.](#) A key term of the MOU was to establish an Assessment Committee consisting of representatives from the District and SCTA. Paragraph 9 of the MOU provided:

*Mai Vang
Trustee Area 5*

9. The Committee will commence no later than the week of January 9, 2017. Once the committee determines the content, structure and nature of the best processes for monitoring student progress, mutually-agreed upon dates may be determined for implementation of any state or federal assessment described in in Paragraph 3 above that apply for the 2016-2017 school year.

*Olivia Ang-Olson
Student Board Member*

Under the MOU, the District and SCTA committed to working together on assessments for the 2016-17 school year. There is no indication in the language of the MOU that the MOU was expected to continue indefinitely. This is evidenced by the several references to the 2016-17 school year in the MOU.

Still, acting in good faith the District attempted to work diligently to involve SCTA in discussions on student assessments. SCTA leaders were given at least seven (7) opportunities to participate in assessment discussions through the assessment committee during the 2016-17 school year, consistent with the MOU. More specifically, on two occasions during the 2016-17 school year, SCTA refused to respond to the District's request to convene an assessment committee meeting claiming it would not meet until bargaining dates were scheduled. While there were limited discussions on assessments during the 2017-2018 school year, the District moved forward with assessments for English Learner Redesignation and Gifted and Talented Education ("GATE") identification.

In 2018-2019, the District reached out the SCTA leaders six (6) times and offered SCTA the opportunity to participate in a dialogue about student assessments prior to the District implementing certain District-wide assessments in May 2019. Despite the District's request to provide any proposed assessment plans during the 2018-2019 school year, SCTA did not do so. SCTA also failed to respond to several of the District's requests to meet to hear from SCTA on assessments. As it did in the 2017-18 school year, the District again in 2018-19 administered assessments for English Learner Redesignation and GATE identification, as well as adding assessments for math placements.

Over the last three years, SCTA leaders have had thirteen (13) opportunities to engage with the District and meaningfully participate in the decision-making process around administering student assessments and either did not respond to District requests to meet, refused to meet, or met and rejected the District's assessment plan without providing any alternate ideas for the District to consider. Thus, the District believes it has more than followed the terms of the MOU by allowing SCTA opportunities to meet with the District to discuss assessments well after the 2016-17 school year to which the MOU applied.

As you may know, a well-recognized tenant of employee-employer labor relations is the concept of "obey now, grieve later." "Most arbitrators take the position that employees must not take matters into their own hands, but must obey orders and carry out their assignments, even when they believe those assignments are in violation of the agreement, and then turn to the grievance procedure for relief." (Elkouri & Elkouri, *How Arbitration Works*, Ch. 5.14.B (8th Ed. 2016).) SCTA leaders directing District employees not to implement the District-wide assessments consistent with the assessments schedule provided to SCTA by the District on August 5, 2019 violates this common principle of labor relations. To the extent that employees refuse to follow directives and administer assessments, the District will review those situations and determine appropriate action. SCTA filed a grievance on this issue on September 18, 2019 and a Level I Grievance Meeting has been scheduled for October 7, 2019.

As you know, our District's students come from diverse socioeconomic, racial and ethnic backgrounds, and have varying and unique academic needs. Community leaders and District partners continue to call on the District to improve student learning and educational opportunities for all students, especially students whose families have fewer educational resources. The most clear and direct strategy for supporting our students includes the opportunity to evaluate their academic progress throughout the school year. Our District is

again an outlier on the issue of district-wide assessments by offering few, if any, District-wide assessments to monitor student progress.

Furthermore, oversight agencies such as the federal Office of Civil Rights (“OCR”) have emphasized the negative impact on District students caused by the District’s lack of multiple assessment measures for GATE identification, particularly to students from traditionally under-served and under-represented student groups. The Council of Great City Schools (“CGCS”), in its 2017 report entitled “Improving Special Education Services in the Sacramento City Unified School District” (“CGCS Report”), found that assessment of student progress is critical, specifically noting:

In a functioning MTSS framework, schools have systems in place to identify the needs of all students, as well as systems to monitor and evaluate progress throughout the school year, using multiple data measures (e.g., district assessments, attendance, suspension, grades, number of office referrals, etc.). Data are analyzed, and differentiated instruction and intervention are delivered. Teachers and leaders regularly review and monitor student progress to determine trends and identify instructional adjustments needed for remediation, intervention, and acceleration. (CGCS Report, page 11)

The CGCS Report noted opportunities for improvement within the District including:

Data Collection and Usage. The following data-related issues merit attention, including several of which district representatives are aware: a dashboard without early warning capability; benchmark assessments that are not evidence-based and provided at reasonable intervals; a lack of written protocols and practices for data-based problem-solving of student needs; and a lack of access to universal screeners and progress monitoring tools. (CGCS Report, page 24)

a. Implementation Plan. Have the district MTSS leadership team evaluate its current program infrastructure as it develops its MTSS framework and implementation plan, e.g., universal screeners, formative assessments, standard protocols for intervention/support, curricular materials, supplemental and intensive resources, data platforms, use of data, professional learning, budget allocations, etc. Embed universal design for learning (UDL) into the MTSS framework, and incorporate the areas discussed below. As a part of the plan include benchmark and on-going district wide and school-based progress monitoring to support the evaluation of MTSS implementation. When finalized, post the MTSS implementation plan on the district’s website along with relevant links to district information/resources, and publicly available resources. Ensure that the district’s Strategic Plan intentionally embeds and utilizes the MTSS framework in its goals and activities. (CGCS Report, p. 26)

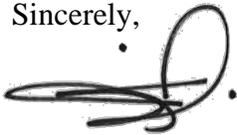
CGCS concluded its report with a number of expectations of the District, including “[e]vidence-based universal screening, benchmark assessments, and progress monitoring.” (CGCS Report, p. 27.)

In the past two years, through efforts such as expanded credit recovery, the adoption of new English/Language Arts instructional materials, and expanded learning summer programs, the District has improved student graduation rates and test scores on statewide assessments. We have expanded programs for all students, including elementary sports and paying the costs for Advanced Placement and college entrance tests. We must continue this critical work of providing our students with learning supports and programs that meet their individual needs and improve opportunities for every student in the District. Assessing student progress throughout the District in a comprehensive and consistent manner is essential to this work.

In administering the GATE, EL Redesignation, and math placement assessments that we have over the past years, seven hundred fifty eight (758) 1st and 3rd grade students were identified as requiring GATE services and five hundred fourteen (514) English Learner students were reclassified. This work has allowed these students to more immediately receive services and be placed in programs or classes that actually meet their needs. Implementing the assessments scheduled for the 2019-20 school year will allow us to further this critical work and reach even more of our students.

Our District has for too long accepted the status quo of unacceptably low student outcomes that disproportionately impact our students of color, our economically disadvantaged students, and our students with disabilities. [The District will continue to move forward with the assessment schedules](#) to meet our legal obligations to provide services to students, but more importantly to further our District's values of ensuring equity, access, and social justice in our District by utilizing data to focus on results and continuous improvement for every student in every school in our District. I hope SCTA leaders will join us in this renewed focus on student achievement.

Sincerely,

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

Jorge A. Aguilar
Superintendent