



APPROVED

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

Agenda Item# 11.1j

Meeting Date: May 19, 2022

Subject: Approve Minutes of the April 21, 2022, Board of Education Meeting

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Superintendent's Office

Recommendation: Approve Minutes of the April 21, 2022, Board of Education Meeting.

Background/Rationale: None

Financial Considerations: None

LCAP Goal(s): Family and Community Empowerment

Documents Attached:

1. Minutes of the April 21, 2022, Board of Education Regular Meeting

<p>Estimated Time of Presentation: N/A Submitted by: Jorge A. Aguilar, Superintendent Approved by: N/A</p>



Putting
Children
First

BOARD OF EDUCATION MEETING AND WORKSHOP

Board of Education Members

Christina Pritchett, President (Trustee Area 3)
Leticia Garcia, Vice President (Trustee Area 2)
Chinua Rhodes, Second Vice President (Trustee Area 5)
Lisa Murawski (Trustee Area 1)
Jamee Villa (Trustee Area 4)
Darrel Woo (Trustee Area 6)
Lavinia Grace Phillips (Trustee Area 7)
Jacqueline Zhang, Student Member

Thursday, April 21, 2022

4:30 p.m. Closed Session

6:00 p.m. Open Session

Serna Center

Community Conference Rooms
5735 47th Avenue
Sacramento, CA 95824

AGENDA

2021/22-30

1.0 OPEN SESSION / CALL TO ORDER / ROLL CALL

The meeting was called to order at 4:37 p.m. by President Pritchett, and roll was taken.

Members Present:

*President Christina Pritchett
Vice President Leticia Garcia
Lisa Murawski
Darrel Woo*

Members Absent:

*Second Vice President Chinua Rhodes (arrived at during Closed Session)
Lavinia Grace Phillips (arrived at during Closed Session)
Jamee Villa (arrived at during Closed Session)
Student Member Jacqueline Zhang arrived at 6:00 p.m. for Open Session.*

2.0 ANNOUNCEMENT AND PUBLIC COMMENT REGARDING ITEMS TO BE DISCUSSED IN CLOSED SESSION

3.0 CLOSED SESSION

While the Brown Act creates broad public access rights to the meetings of the Board of Education, it also recognizes the legitimate need to conduct some of its meetings outside of the public eye. Closed session meetings are specifically defined and limited in scope. They primarily involve personnel issues, pending litigation, labor negotiations, and real property matters.

3.1 *Government Code 54956.9 - Conference with Legal Counsel:*

- a) *Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code section 54956.9 (One Potential Case)*
- b) *Existing litigation pursuant to subdivision (d)(1) of Government Code section 54956.9 (OAH Case 2022010135)*
- 3.2 *Government Code 54957.6 (a) and (b) Negotiations/Collective Bargaining SCTA SEIU, TCS, Teamsters, UPE, Non-Represented/Confidential Management (District Representative Pam Manwiller)*
- 3.3 *Government Code 54957 – Public Employee Discipline/Dismissal/Release/Reassignment*
- 3.4 *Government Code 54956.8—Conference with Real Property Negotiators:
Property: 2718 G Street, Sacramento, CA
Agency Negotiator: Superintendent or designee
Negotiating Parties: SCUSD and Mogavero/Bardis Homes
Under Negotiation: Price and Terms*
- 3.5 *Government Code 54957 – Public Employee Appointment*
 - a) *Father Keith B. Kenny Elementary School, Principal*
- 3.6 *Education Code 35146 – The Board will hear staff recommendations on the following student expulsion:*
 - a) *Expulsion #5, 2021-22*

4.0 CALL BACK TO ORDER / PLEDGE OF ALLEGIANCE

- 4.1 *The Pledge of Allegiance*
- 4.2 *Broadcast Statement*
- 4.3 *Stellar Student – Dana Castro Martinez, a 6th Grade student from Mark Twain Elementary School, to be introduced by Member Villa*

5.0 ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Counsel Anne Collins announced that OAH Case 2022010135 was approved unanimously.

Superintendent Aguilar announced that Ashley Alexander was unanimously approved to the appointment of Principal at Father Keith B. Kenny Elementary School.

6.0 AGENDA ADOPTION

President Pritchett asked for a motion to adopt the agenda. A motion was made to approve by Member Woo and seconded by Member Murawski. The Board voted unanimously to adopt the agenda.

7.0 PUBLIC COMMENT

Members of the public may address the Board on non-agenda items that are within the subject matter jurisdiction of the Board. Please fill out a yellow card available at the entrance. Speakers may be called in the order that requests are received, or grouped by subject area. We ask that comments are limited to two (2) minutes with no more than 15 minutes per single topic so that as many people as possible may be heard. By law, the Board is allowed to take action only on items on the agenda. The Board may, at its discretion, refer a matter to district staff or calendar the issue for future discussion.

Public Comment:

David Aleman

Rosalie Nugent

Richard Vasquez

Maria Rodriguez

Mo Kashmiri

Teresa Hanneman

Melissa Reynoso

Timothy Hebert

Katherine Santora

Terrence Gladney

Jana Lee

Arlene Krause

Caryl Rose

Rae Connolly

Nicole House

Andrea

Liliana Hernandez

Shandra Muthe

Holly Longacre

Diana Otterson

Victoria Kinego

Jessica Lincoln

Libby Chase

Adam Kessler

Shenny Cruces

Michelle Tarter

Rosita L.

Ana Jenkins

Brittney Bejarano

Katrina Trute

Kayla Saavedra

8.0 SPECIAL PRESENTATION

8.1 Resolution No. 3268: Recognition of Earth Day (Christina Pritchett)

Action

Student Member Zhang read the resolution.

*Public Comment:
Mo Kashmiri*

Board Comments:

Member Woo motioned to approve, and Member Murawski seconded. The resolution was unanimously passed.

9.0 COMMUNICATIONS

9.1 Employee Organization Reports:

Information

- *SCTA – David Fisher reported on behalf of SCTA*
- *President Pritchett read a letter from UPE President Judy Farina*

10.0 PUBLIC HEARING

10.1 Public Hearing: AB 1200 Disclosure and Approval of the MOU Between SCUSD and the Service Employees International Union (Rose Ramos)

Action

Assistant In-House Legal Counsel Alexa Rincon began the presentation by going over key provisions for the MOU with SEIU. Chief Business Officer Rose Ramos then went over AB 1200 fiscal impact, multi-year projection (total general fund) with SCTA and SEIU MOUs, ESSER II funding sources, and the second interim negative certification from the Sacramento County Office of Education.

*Public Comment:
Debra Durazo*

Board Comments:

President Pritchett thanked the presenters. She spoke about the negative certification as discussed in a letter from the Sacramento County Office of Education Superintendent David Gordon. She said that information from the letter needs to inform future budget decisions, including potential future budget cuts and future agreements that are hoped to be reached with labor partners. She said it is critical that the Board, community, and labor partners understand the implications of the negative certification issued and the limited options faced to improve the District's fiscal outlook. Superintendent Gordon was present, and President Pritchett asked him to come to the podium, which he did along with Chief Business Office Nick

Schweizer from the County. President Pritchett asked them to share an overview of why the County is responsible for reviewing and reporting on the soundness of the District's budget. Mr. Gordon explained that the county superintendents in the state are responsible for the fiscal solvency of all school districts within their county. This includes reviewing and approving budget and interim financial reports. They are also tasked with reviewing and commenting on district labor agreements. He emphasized that they have reviewed the proposed agreements and stated that, although it is positive that the District has reached an agreement, they are concerned and pointing out as part of their comments that, as the District was already in a risky position with the budget going into this set of negotiations, the agreements could increase the District's risk of future financial insolvency. The reasons for this concern are in the letter. President Pritchett asked for a definition of negative certification. Mr. Schweizer explained that negative certification means they feel there is a strong potential that the District will not be able to meet its on-going fiscal obligations. In other words, revenues are less than expenditures and the District will reach a point where the District is insolvent. When that happens the District gives up authority as a governing board, a trustee is appointed, the District has to take a loan, and things get much worse from there. The negative certification means that the District is at strong risk of that happening in the future. It also means that the county superintendent has some increased oversight responsibilities which include increased support, as they have done with the District over the last several years now in creating the budget and fiscal recovery plans, and trying to increase capacity fiscally. It also includes, however, the ability of the county superintendent to stay and rescind any action of the District that is inconsistent with fiscal recovery. President Pritchett asked why the prior certification was not negative. Superintendent Gordon reported that the finding was different because circumstances change from interim report to interim report, but the overall issue is there has been a high level of risk, which has been acknowledged by the District when the structural deficit was discussed over the past six months. If the budget is going up and down, coming to the brink of insolvency and going back when one-time money shows up, this is not a way to have a stable management system or way of sorting out priorities and deciding what is to be done for students and setting aside the money to be able to do it long-term. President Pritchett noted that when the District received negative certification from the County in the past, deep budget cuts had to be made which were more than \$50 million in cuts to address concerns raised. She asked what choices are left to the District to address the County's concerns. Superintendent Gordon said

that, firstly, trying to recover as much money as possible from the penalties that would be imposed for the lost school days and instructional minutes is crucial, and he is happy to hear that the District is working toward that. Secondly, he said it is important to continue to work, as has been talked about in the past, toward cutting expenditures in areas where it is known that the District is overspending or could do things more efficiently, such as the area of health benefits, which the District has been working on for a number of years. Thirdly, he said a long-term plan is needed and adhered to that does not depend on coming to a brink, exhausting all resources, and then trying to figure out how to add something more without having to make cuts.

Member Villa said it appears the District is paying debts with fingers crossed, and she is not comfortable with that. She asked about cuts that were covered in the presentation.

Superintendent Aguilar said that the goal is to get to a place during budget adoption discussion in May and June where the Board holds him accountable to come to the Board during the May and June Board meetings with proposals on how to potentially invest new resources that are expected to be received from the state. He said the only time he has been able to do that was last year, with the infusion of one-time funds. Otherwise, in the five years he has been with the District, it has not been possible to bring that kind of plan or recommendation and then have the Board engage in debates about which aspects of those recommendations are to be adopted or not adopted. He also said that another goal would be to reach a place where, if the District receives more on-going revenues from the state, these revenues are not obligated already, based on agreements that may have expired already. He said the District has the opportunity to restart and figure out a way in which to understand that there may be more investments or revenues coming in to the District, the Board holds the Superintendent accountable for coming to the Board with recommendations for choices, and the Board then has discussion during budget adoption so that they respond to their constituents and communities. Superintendent Aguilar said this is something that must be strived for, as the District has not been able to do this. He said that his hope, given the current circumstances, is that during budget adoption, a way is found to extend the use of one-time funds until they expire in order to keep the programs thus funded as long as possible. His concern, regarding grants, is that there be on-going revenue to sustain them. During budget adoption therefore, these cuts will be brought back during budget adoption to see how many programs can be retained for as long as possible. Most will be dependent, however, upon one-time funds that are set to expire.

Member Phillips asked that, unless there is an explanation, there be no more acronyms. She asked Ms. Ramos to clarify an amount, which she did. Member Phillips noted that the District is as poor as 70 percent of its residents, and it is hard for a poor district to balance a budget. She said she is confused as to why Mr. Gordon is present answering very specific questions and why those questions were not given to the Board members so they could see them. President Pritchett said they were her questions as a Board member.

Member Murawski thanked Mr. Gordon and Mr. Schweizer for being in attendance and said she appreciates the discussion. She said she supports the agreement, and she thanked the classified workers for their dedication to the District. She noted that the District has not, since she has been a Board member, been able to make reasoned, long-term investments in students. She noted that now there is a huge additional cost to the budget and that the Board cannot make the long term planning required, as they do not have the authority under the current structure, which is subject to negotiations.

Vice President Garcia said she wanted to celebrate the actions that are here before the Board, and she asked for clarification on the penalties for lost instructional days due to the strike, seeing that these are one-time penalties. Superintendent Gordon answered that it affects the District's bottom line within the multi-year projections, even though it is a one-time penalty, and the County is responsible for oversight of the next three years. Vice President Garcia then brought up the tentative agreement with SCTA and SEIU. She asked why it is tentative. Superintendent Gordon answered that it is because the District spent one-time money for 2019-20, and for 2021-22 the District gave four percent on-going. This four percent rolls into the next budget and for all subsequent years. This is scored as future obligation, but in the agreement there are re-openers, so there will potentially be future negotiations where it is unknown what the cost coming out of those future negotiations could be. This presents a risk factor of the budget getting beyond the point where it is affordable in the future for the basic school program. This is what the on-going structural deficit is, projecting into the future the fact that the District may run out of cash and become insolvent. Vice President Garcia then brought up the projected impact to the unrestricted general fund and the ending fund balance at \$27.8 million and reflecting the decrease of \$100 million dollars. She asked if the \$27.8 million still allows the District to meet the minimum reserve of two percent. Mr. Schweizer explained that the minimum reserve requirement is one of the criteria for determining fiscal solvency and determining if a district is positive or negative qualified. There is other criteria also, such

as deficit spending and cost growth, for example. He explained that the District's fund balance is lower, and the structural deficit is much higher, which contributed to the negative finding and the higher level of concern of the County. Vice President Garcia then asked if this means that FCMAT will come back to do another fiscal health analysis as they did in 2018. Mr. Schweizer answered that would be FCMAT's determination, and he has not heard from them so far. He reports to them at every interim, and a negative certification is a trigger. He said the District can request them at any time to come and do a study and/or multi-year projection. Superintendent Gordon added that the numbers are not fixed; they will change with the May revision and the eventual governor's budget. He went over some ways in which it may change, but said the most important thing that will change it is collaboration with labor partners leading to a longer term contract in which expenses can be projected ahead and plans can be made to do more for students. Vice President Garcia spoke about opportunities from the state, some of which the District has applied. She would like to hear how the District will identify other funding sources, and she motioned to approve.

Second Vice President Rhodes said he feels where the District is now is a step in time and that in time there will be a different conversation. He looks forward to the County coming back at that time and telling the District that the certification is qualified. He said the only way the positive or qualified finding comes is with the idea of collaborating with labor partners. He said that people see change done to them as violence and change done with them is seen as liberation. Collaboration does come with a relinquishing of governing authorities; it is a reimagining of how to govern and impact communities. Therefore, he is happy to second the contract.

The motion to approve, made by Vice President Garcia and seconded by Second Vice President Rhodes, was approved unanimously.

10.2 Public Hearing: AB 1200 Public Disclosure and Approval of the Following Agreements Between SCUSD and the Sacramento City Teachers Association (Rose Ramos):

Action

- *2019-22 Successor Contract and COVID Reopening Schools*
- *Substitute Pay and Extra Work 2021-22 School Year*
- *Safely Reopening Schools to In-Person Instruction Services and Independent Study*
- *Nurse Extra Hours 2021-22 School Year*
- *Temporarily Assigning Training Specialists to Fill Vacant Teaching Positions in the District*

Assistant In-House Legal Counsel Alexa Rincon presented on agreements between the District and SCTA, key provisions of the COVID-19/Reopening MOU, and key provisions for successor contract agreement for 2019-20, 2020-21, and 2021-22. Chief Business Officer Rose Ramos then went over AB 1200 fiscal impact, multi-year projection (total general fund) with SCTA and SEIU MOUs, ESSER II funding sources, and the second interim negative certification from the Sacramento County Office of Education.

Public Comment:

*David Fisher
Taylor Kayatta
Maria Rodriguez
Mo Kashmiri*

Board Comments:

Vice President Garcia motioned to approve, and Second Vice President Rhodes seconded. The motion passed unanimously.

10.3 Hearing to Receive Public Comment and Approval of the District's Initial Proposals Regarding Certificated Unit United Professional Educators (UPE) Collective Bargaining Agreement Negotiations for 2022-2025 (Cancy McArn)

Action

Assistant In-House Legal Counsel Alexa Rincon presented. She gave an overview of the sunshine process and the current collective bargaining agreement and initial proposal.

Public Comment:

*Mo Kashmiri
Nikki Milevsky*

Board Comments:

Vice President Garcia asked if the proposal is for the next three years. Ms. Rincon responded yes it is for the next three school years. Second Vice President Rhodes motioned to approve, and Vice President Garcia seconded. The motion was unanimously approved.

11.0 CONSENT AGENDA

Action

Generally routine items are approved by one motion without discussion. The Superintendent or a Board member may request an item be pulled from the consent agenda and voted upon separately.

11.1 Items Subject or Not Subject to Closed Session:

- 11.1a Approve Grants, Entitlements and Other Income Agreements, Ratification of Other Agreements, Approval of Bid Awards, Approval of Declared Surplus Materials and Equipment, Change Notices and Notices of Completion (Rose F. Ramos)*
- 11.1b Approve Personnel Transactions (Cancy McArn)*
- 11.1c Approve Donations to the District for the Period of March 1 - 31, 2022 (Rose Ramos)*
- 11.1d Approve Business and Financial Report: Warrants, Checks and Electronic Transfers Issued for the Period of March 1 – 31, 2022 (Rose Ramos)*
- 11.1e Approve Mandatory Reporting to the Sacramento County Office of Education – Uniform Complaints Regarding the Williams Settlement Processed for the Period of January 2022 through March 2022 (Cancy McArn)*
- 11.1f Approve Minutes of the March 17, 2022, Board of Education Meeting (Jorge A. Aguilar)*
- 11.1g Approve Staff Recommendations for Expulsion #5, 2021-22 (Lisa Allen and Stephan Brown)*
- 11.1h Approve Five-Year Facility Use Agreement with Capitol Collegiate Academy (Jesse Ramos)*
- 11.1i Approve Second Amendment Extending Term of Project Labor Agreement (Rose Ramos)*
- 11.1j Approve Perkins V – Comprehensive Local Needs Assessment Members (Christina Espinosa)*

President Pritchett asked for a motion to adopt the Consent Agenda. A motion was made to approve by Member Woo and seconded by Member Villa. The Board voted unanimously to adopt the Consent Agenda.

12.0 BUSINESS AND FINANCIAL INFORMATION/REPORTS

Receive Information

12.1 Business and Financial Information:

- *Purchase Order Board Report for the Period of February 15, 2022, through March 14, 2022 (Rose Ramos)*

- *Enrollment and Attendance Report, Month 6 Ending Friday, February 25, 2022 (Rose Ramos)*

President Pritchett received the Business and Financial Information/Reports.

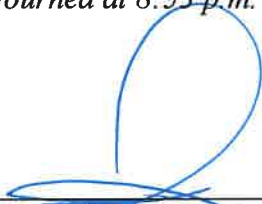
Public Comment: Nikki Milevsky; Mo Kashmiri

13.0 FUTURE BOARD MEETING DATES / LOCATIONS

- ✓ *May 5, 2022 4:30 p.m. Closed Session, 6:00 p.m. Open Session, Serna Center, 5735 47th Avenue, Community Room, Regular Workshop Meeting*
- ✓ *May 19, 2022 4:30 p.m. Closed Session, 6:00 p.m. Open Session, Serna Center, 5735 47th Avenue, Community Room, Regular Workshop Meeting*

14.0 ADJOURNMENT

President Pritchett asked for a motion to adjourn the meeting; a motion was made by Member Villa and seconded by Member Murawski. The motion was passed unanimously, and the meeting adjourned at 8:53 p.m.



Jorge A. Aguilar, Superintendent and Board Secretary

NOTE: The Sacramento City Unified School District encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, please contact the Board of Education Office at (916) 643-9314 at least 48 hours before the scheduled Board of Education meeting so that we may make every reasonable effort to accommodate you. [Government Code § 54953.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. §12132)] Any public records distributed to the Board of Education less than 72 hours in advance of the meeting and relating to an open session item will be available on the District's website at www.scusd.edu