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Jorge A. Aguilar, Superintendent

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May 12, 2020

Sent via email to jborsos@cta.org

John Borsos, Executive Director
Sacramento City Teachers Association (SCTA)
5300 Elvas Avenue
Sacramento, CA 95819

RE: Emails From Community and Staff Regarding Distance Learning

Dear Mr. Borsos,

Thank you for your email in response to the District's May 8, 2020 letter providing the Sacramento City Teachers Association ("SCTA") with emails responsive to your April 21, 2020 request. I have been made aware of these communications and am responding to your email. In that request, you asked for copies of the following:

1. The "countless emails" that the District has received "from families expressing appreciation for the distance learning plan and the hard work of our District employees to carry that plan forward."
2. The "emails from our educators expressing excitement to connect with their students and colleagues during and through distance learning."

The District's May 8 letter included copies of those emails that the District determined were responsive to your request. The District redacted the names of the parents, community members, and employees who sent those emails to the District because the District does not believe that information was necessary and relevant to your request nor that the public interest in knowing the identity of the sender outweighs the privacy interest of parents, community members, and employees who sent emails to the District regarding its distance learning plan. The District believes this to be particularly true for employees who may be speaking about the distance learning plan that SCTA claims was unlawfully implemented by the District.

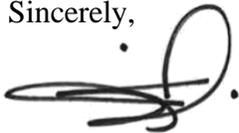
On May 8, 2020, after receiving the District's letter with the responsive documents, you emailed the District requesting that the District remove the redactions because the names are relevant to SCTA's claims that the District has engaged in "direct dealing" with employees. The District does not believe that an unsolicited email from an employee to a District administrator in response to the District providing information about distance learning constitutes direct dealing. Similarly, a response from a District administrator to such employee expressing thanks or appreciation for their email does not constitute

direct dealing. Under case law from the Public Employment Relations Board (“PERB”) direct dealing is defined as “direct communications with ... employees to bypass the exclusive representative and undermine that representative’s exclusive authority to represent the unit members and negotiate with their employer.” (*Muroc USD* (1978) PERB Decision No. 80, pg. 19-20.)

We do not believe that the names of employees who sent emails to the District is necessary and relevant to SCTA’s representation of its members. In addition, if SCTA wishes to see communications between its members and the District, it can request such emails from the members directly. Finally, if you believe that any of the emails that were provided “document direct dealing” please identify specifically which of the 341 pages of emails support that claim so that we may further evaluate your request.

We appreciate your understanding why the names of parents and community members were redacted and your recognition that redactions of student names and identifying information is appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jorge A. Aguilar', with a large loop at the end and a dot above the 'i'.

Jorge A. Aguilar
Superintendent