



**West Contra Costa Unified School District
Complaint Form: Williams Uniform Complaint Procedure**

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law . Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No Date _____

Last Name Provenza First Name Karissa

Street Address/Apt. # [Please use email: kprovenza@publicadvocates.org]

City _____ Zip _____

Home Phone _____ Message/Work Phone 808-386-0399

School/Office of Alleged Violation Stege Elementary School

Course title/grade level and teacher name Multiple/See Attached

Room number/name of room/location of facility Multiple/See Attached

Date problem was observed 2023-24 School year to date

Issue(s) of the complaint: (Please check all that apply; a complaint may contain more than one allegation):

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- A pupil, including an English Learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after School. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing Pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5CCR 4681)

- A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year, or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- A teacher lacks credentials or training to teach English learners or is assigned to teach a class with ~~more than 20 percent~~ **one or more** English learners in the class. **Change in law: see Cal. Educ. Code Sec. 35186(f)(2)(B)**
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; CCR 4683)

- A condition exists that poses an emergency urgent or threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.
- A school restroom has not been cleaned or maintained properly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code 35186)

- Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

See attached description of Williams issues.



Description of *Williams* Issues at Stege Elementary School

Introduction

Stege Elementary School is among the oldest schools in West Contra Costa Unified School District (WCCUSD). As of the 2022-23 school year, 253 students were enrolled at the school, 84 percent of whom are socioeconomically disadvantaged, and 39 percent of whom are African American, the highest percentage of African American students in the district.¹

Per California Education Code Section 35186, *Williams* complaints may be filed in response to concerns about instructional materials, clean and safe school facilities, or teacher vacancies or misassignments. Public Advocates is filing this *Williams* complaint on behalf of Samantha Cleare, a 5th grade teacher at Stege Elementary School in response to serious concerns regarding teacher vacancies.

The staffing instability and reliance on illegal remedies, such as long-term substitutes and rolling substitutes, is causing a detrimental effect on the students of Stege Elementary School. The students of Stege Elementary School have been learning in an unhealthy and unsafe environment with broken windows, mold, and poor ventilation that have impacted their emotional and physical health. These issues have been documented in the filing of over fifty *Williams* complaints concerning facility deficiencies by teachers, parents, and students over the last two years. Now, after multiple years of the district failing to remedy the facility issues, unfortunately, Stege Elementary School is struggling to retain permanent teachers. Members of the school community have expressed concerns about the number of students, particularly Black students, whose academic and social-emotional needs are being ignored because of the number of teacher vacancies.

The Complainant

Samantha Cleare has been an educator at Stege Elementary for seven years. She has led advocacy to address the dire facility issues at Stege and is a vocal member of the WCCUSD community. Before this school year's vacancies she taught 3rd grade, and now, to cover a vacancy, she is teaching a 5th/4th grade combination class.

¹ In the 2022-23 school year, 38.7% of students at Stege Elementary School identified as African American, 34% as Latino/e, 9.5% as Asian, 7.1% as White, and 5.5% as two or more races.

Teacher Vacancies

Members of the school community have shared the following general, ongoing concerns with us:

- Long-term substitute teachers have been assigned to cover classes since the beginning of the 2023-24 school year, serving as a substitute in the same classroom for more than the 30-or-60-day authorization allowed under such permits.²
- The designated substitute teachers are ill-prepared to teach subject matters, resulting in curricula not being followed.
- The Kindergarten and combination grade class sizes exceed the maximum agreed upon class size of 23 students per teacher for grades kindergarten through third grade. See Agreement Between West Contra Costa Unified School District and the United Teachers of Richmond (Article 12 Section 1).

We have learned of the following specific teacher vacancies that we demand be immediately corrected:

- **Kindergarten:** An unlawful vacancy has existed since September 2023, with the class initially being taught by a curriculum coach, and then by a long-term substitute. Now a new semester has begun, and to our knowledge the vacancy remains with the same long-term substitute covering it.
- **2nd/3rd grade:** A permanent and fully credentialed teacher was assigned to this class at the beginning of the 2023-24 school year, but has not covered the class after the first day of school in September 2023. Due to the unlawful vacancy this class became a combination covered by a long-term substitute. Now a new semester has begun, and to our knowledge the vacancy remains.
- **3rd grade:** Originally, Samantha Cleare was assigned as the permanent teacher for this class. Due to a vacancy in the 5th grade, administrators moved Samantha Cleare at the beginning of the 2023-24 school year to cover that 5th grade vacancy. The district initially covered this vacancy with a permanent teacher but a long-term substitute has been assigned since the fall of 2023. We are not aware of any efforts by the district to fill this vacancy and hire a permanent teacher.
- **4th grade:** Not soon after the beginning of the 2023-24 school year, the teacher assigned to this class left Stege and the district covered the unlawful vacancy with a long-term substitute. Due to the district's failure to prepare and support the long-term substitute, they are struggling to teach this class and follow the designated curriculum. In October 2023 administrators turned Samantha Cleare's 5th grade class into a combination 5th/4th grade class so she could take on some 4th grade students to relieve the long-term substitute. The district's delay in filling this vacancy has created an unstable learning environment for the 4th graders who have now had multiple teachers, and some who had to switch classes entirely.

² The holder of an Emergency 30-Day Substitute Teaching Permit (Day-Day Substitute Teaching) is authorized to serve as a substitute for no more than 30 days for any one teacher during the school year. See Title 5, California Code of Regulations, Section 80025. The holder of an Emergency Career Substitute Teaching Permit is authorized to substitute for no more than 60 days for any one teacher. See Title 5, California Code of Regulations, Section 80025.1

Inaction by School Administrators

We have also heard many concerns about inaction by school and district leadership and a systematic failure to ensure that students are provided with comprehensive instruction. Other surrounding districts are not experiencing the same level of teacher vacancies as WCCUSD.³ These concerns include:

- A failure to develop a comprehensive recruitment, development, hiring and assignment plan across the district to ensure that all classes are covered by a single designated certificated teacher with the requisite subject matter competence and legal authorization to provide instruction to the students in the class. Through adequate compensation and support, robust teacher residencies, grow-your-own, and other traditional and alternative pathway programs, the district needs to be aggressive about recruiting, developing and hiring an adequate supply of teachers.
- A failure to maintain adequate internal processes to hire and assign teachers in a timely manner and, when fully-credentialed teachers are not available, to take advantage of the lawful options for staffing classrooms with permanent teachers who may not yet be fully-certified, in lieu of rolling substitutes. The lack of such internal processes is evidenced by the inaction by administrators to recruit and retain permanent and certificated replacements for the vacancies in which they had ample notice to fill before the beginning of the 2023-24 school year.
- A failure to provide comprehensive training and institutional support to those long-term substitutes who are currently covering classes at Stege Elementary School.

Remedies Sought

We seek the following remedies. That the district and school:

- Fill the vacant positions within a reasonable period of time, not to exceed 30 (thirty) working days. (Cal. Educ. Code Sec. 35186(b)), and hopefully sooner to avoid further disruption to the affected students' education and adverse impacts on school climate.
- Prioritize filling the vacancies at Title I schools without exacerbating the issue elsewhere by pulling educators from other high need schools.
- Cease the illegal practice of using long-term substitutes to fill vacancies, and instead implement districtwide processes to recruit, hire and assign permanent, legally authorized teachers in a timely manner and refine the teacher development and support programs to advance such processes, including supporting classified staff interested in a pathway to become a certificated teacher.

³ 78% of classes in West Contra Costa Unified School District are taught by both fully prepared and properly assigned teachers. See California Department of Education DataQuest, 2021-22 Teaching Assignment Monitoring Outcomes by Full-Time Equivalent (FTE), <https://dq.cde.ca.gov/dataquest/DOCensus/TchAssgnOutcomeLevels.aspx?aggllevel=County&cde=07&year=2021-22>.

The county and state average is 85%, with at least thirteen districts in Contra Costa meeting or exceeding that average. *Id.* See also, The Education Trust-West, Teaching Assignment Monitoring Outcomes (TAMO) Data Dashboard, <https://west.edtrust.org/tamo-data-tool/>.

- Implement a districtwide stipend program to prepare and retain teachers who are fully certificated to teach English learner students and the subject matter they are teaching at Title I schools.

We look forward to the prompt resolution of this complaint. If you have any questions, please contact Karissa Provenza at kprovenza@publicadvocates.org



Date: 01/31/2024

John T. Affeldt, Managing Attorney
Nicole Gon Ochi, Deputy Managing Attorney
Karissa Provenza, Law Fellow



West Contra Costa Unified School District
Complaint Form: Williams Uniform Complaint Procedure

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law . Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No Date _____

Last Name Provenza First Name Karissa

Street Address/Apt. # [Please use email: kprovenza@publicadvocates.org]

City _____ Zip _____

Home Phone _____ Message/Work Phone 808-386-0399

School/Office of Alleged Violation Helms Middle School

Course title/grade level and teacher name Multiple/See Attached

Room number/name of room/location of facility Multiple/See Attached

Date problem was observed 2023-24 School year to date

Issue(s) of the complaint: (Please check all that apply; a complaint may contain more than one allegation):

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- A pupil, including an English Learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after School. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing Pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5CCR 4681)

A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year, or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

A teacher lacks credentials or training to teach English learners or is assigned to teach a class with ~~more than 20 percent~~ English learners in the class. **Change in law: see Cal. Educ. Code Sec. 35186(f)(2)(B) one or more**

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; CCR 4683)

A condition exists that poses an emergency urgent or threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

A school restroom has not been cleaned or maintained properly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code 35186)

Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

See attached description of Williams issues.



Description of *Williams* Issues at Helms Middle School

Introduction

Helms Middle School is a middle school in West Contra Costa Unified School District (WCCUSD). As of the 2022-23 school year, 591 students were enrolled at the school, 73 percent of whom are socioeconomically disadvantaged, and over 80 percent of whom are Latine.¹ 47 percent of the 591 students identified as English learners, or multilingual learners, many of whom are newcomers.

Per California Education Code Section 35186, *Williams* complaints may be filed in response to concerns about instructional materials, clean and safe school facilities, or teacher vacancies or misassignments. Public Advocates is filing this *Williams* complaint on behalf of Jeremiah Romm, an 8th grade teacher at Helms Middle School, in response to serious concerns regarding four teacher vacancies impacting over half of the student population at Helms Middle School.

The staffing instability and reliance on illegal remedies, such as long-term substitutes and rolling substitutes, is causing a detrimental effect on the students of Helms Middle School, particularly the eighth grade students, many of whom do not have a permanent teacher in one to two of their core classes. Members of the school community have expressed concerns about the number of students, particularly multilingual learners whose academic and social-emotional needs are being ignored because of the number of teacher vacancies.

The Complainant

Jeremiah Romm grew up in the WCCUSD community and has been an educator at Helms Middle School for 16 years. He teaches History and English, and has played a vital role in providing support to newcomer immigrant English learner students inside and outside of the classroom.

Teacher Vacancies

Members of the school community have shared the following general, ongoing concerns with us:

- Parents/caretakers do not know who is teaching their children's class because teachers are incorrectly named the teacher of record for classes that are taught primarily or entirely by substitutes.
- Long-term substitute teachers have been assigned to cover classes since the beginning of the 2023-24 school year, serving as a substitute in the same classroom for more than the 30- or 60-day authorization under such permits.²

¹ In the 2022-23 school year, 82.6% of students at Helms Middle School identified as Latino/e, 7.3% as African American, 3.9% as Asian, 2.5% as White, 1% as two or more races.

² The holder of an Emergency 30-Day Substitute Teaching Permit (Day-to-Day Substitute Teaching) is authorized to serve as a substitute for no more than 30 days for any one teacher during the school year. See Title 5, California

- There have been a few occasions where multiple teacher absences and insufficient individual classroom coverage resulted in administrators combining students into large groups in the cafeteria.
- The designated substitute teachers are ill-prepared to teach subject matters, and the newcomer students in their classrooms, with multiple families reporting that no homework is being assigned.
- Within the 8th grade, there is a large number of students who are experiencing an overlap of vacancies in their Math, Science, and English classes. Now, there is an overreliance on the TeachStart program to permanently staff these classrooms with TeachStart Fellows who are operating on substitute permits well beyond the authorization of their permits.

We have learned of the following specific teacher vacancies that we demand be immediately corrected:

- **7th/8th grade Math (Newcomers Academy):** In February 2023 the former teacher of this class gave notice of their intent to leave. For the first couple of months of the 2023-24 school year the vacancy was covered by rolling substitutes and Helms Middle School teachers period-subbing. Since November, a long-term substitute on an emergency substitute permit has been covering the class. It is incumbent on the district to ensure that a single, designated teacher who is qualified teaches the class. That has not happened. We understand that this Math class is a part of the Newcomers Academy, serving nearly 75 newcomer immigrant English learner students. The students in this class rely on the instructor to be fully, or at least, provisionally certified to teach English learners. See Cal. Educ. Code Sec. 35186(f)(2)(B) (establishing a *Williams* violation when “A teacher who lacks credentials or training to teach English Learners is assigned to teach a class with one or more English learner pupils in the class”) *see also id.* At Sec. 35186(f)(2)(C) (assigned teacher lacks subject matter competency). Staff have shared that the district has failed to procure a properly assigned teacher and, further, that it has failed to properly prepare the illegally-assigned long-term substitute to support and instruct the English learner students in this combination math class.
- **8th Grade Science:** The permanent teacher assigned to this class gave notice of their departure before the end of the 2022-23 school year. Since September 2023, a long-term substitute has been covering this class and an unlawful vacancy has existed. Students and caretakers have shared that homework is not being assigned. Currently, this vacancy is being covered by a TeachStart Fellow who, to the best of our knowledge, we believe is authorized through either an Emergency Substitute Teaching Permit for Prospective Teachers or an Emergency 30-Day Substitute Teaching Permit.³ The district’s delay in filling this vacancy has created an unstable learning environment for roughly 160 8th grade Science students.

Code of Regulations, Section 80025. The holder of an Emergency Career Substitute Teaching Permit is authorized to substitute for no more than 60 days for any one teacher. See Title 5, California Code of Regulations, Section 80025.1

³ Emergency Substitute Teaching Permits for Prospective Teachers authorizes a holder to serve as a day-to-day substitute for no more than 30 days for any one teacher, and no more than 90 days during the school year. See Title 5, California Code of Regulations, Section 80025.2. Generally, this permit authorizes substitutes who are currently enrolled in a four-year college or university who have completed a minimum of 90 semester units of course work.

Id.

- **8th Grade Math:** The former permanent teacher assigned to this class gave notice of their departure before the end of the 2022-23 school year. Since September 2023, a long-term substitute has been covering this class and an unlawful vacancy has existed. Now a new semester has begun with the vacancy being covered by a TeachStart Fellow, not by a single, designated permanent, properly-assigned teacher. The Fellow, to the best of our knowledge, is authorized through either an Emergency Substitute Teaching Permit for Prospective Teachers or an Emergency 30-Day Substitute Teaching Permit.
- **8th Grade English:** The permanent teacher designated to this class requested to be transferred in October 2023. Since then, an unlawful vacancy has existed with a rotation of Helms Middle School’s certificated teachers being called upon to provide class coverage. We understand that a long-term substitute was originally assigned, but was only present for two weeks. This situation is adversely impacting more than 120 students’ learning and achievement and putting additional strain on the teachers having to cover the class in addition to their permanent assignments. Rather than a single, designated permanent teacher, this vacancy is currently being covered by a TeachStart Fellow who, to the best of our knowledge, we believe is authorized through either an Emergency Substitute Teaching Permit for Prospective Teachers or an Emergency 30-Day Substitute Teaching Permit.

Inaction by School Administrators

We have also heard many concerns about inaction by school and district leadership and a systematic failure to ensure that students are provided with comprehensive instruction. Other surrounding districts are not experiencing the same level of teacher vacancies as WCCUSD.⁴ These concerns include:

- A failure to develop a comprehensive recruitment, development, hiring and assignment plan across the district to ensure that all classes are covered by a single designated certificated teacher with the requisite subject matter competence and legal authorization to provide instruction to the students in the class. Through adequate compensation and support, robust teacher residencies, grow-your-own, and other traditional and alternative pathway programs, the district needs to be aggressive about recruiting, developing and hiring an adequate supply of teachers.
- A failure to maintain adequate internal processes to hire and assign teachers in a timely manner and, when fully-credentialed teachers are not available, to take advantage of the lawful options for staffing classrooms with permanent teachers who may not yet be fully-certified, in lieu of rolling substitutes. The lack of such internal processes is evidenced by the inaction by administrators to recruit and retain permanent and certificated replacements for the vacancies in which they had ample notice to fill before the beginning of the 2023-24 school year.

⁴ 78% of classes in West Contra Costa Unified School District are taught by both fully prepared and properly assigned teachers. See California Department of Education DataQuest, 2021-22 Teaching Assignment Monitoring Outcomes by Full-Time Equivalent (FTE), <https://dq.cde.ca.gov/dataquest/DOCensus/TchAssgnOutcomeLevels.aspx?agglevel=County&cde=07&year=2021-22>.

The county and state average is 85%, with at least thirteen districts in Contra Costa meeting or exceeding that average. *Id.* See also, The Education Trust-West, Teaching Assignment Monitoring Outcomes (TAMO) Data Dashboard, <https://west.edtrust.org/tamo-data-dashboard/>.

- A failure to provide comprehensive training and institutional support to those long-term substitutes who are currently covering classes at Helms Middle School.

Remedies Sought

We seek the following remedies. That the district and school:

- Fill the vacant positions within a reasonable period of time, not to exceed 30 (thirty) working days. (Cal. Educ. Code Sec. 35186(b)), and hopefully sooner to avoid further disruption to the affected students' education and adverse impacts on school climate.
- Prioritize filling the vacancies at Title I schools without exacerbating the issue elsewhere by pulling educators from other high need schools.
- Cease the illegal practice of using long-term substitutes to fill ongoing vacancies, and instead implement districtwide processes to recruit, hire and assign permanent, legally authorized teachers in a timely manner and refine the teacher development and support programs to advance such processes, including supporting classified staff interested in a pathway to become a certificated teacher.
- Implement a districtwide stipend program to prepare and retain teachers who are fully certificated to teach English learner students and the subject matter they are teaching at Title I schools.

We look forward to the prompt resolution of this complaint. If you have any questions, please contact Karissa Provenza at kprovenza@publicadvocates.org



John T. Affeldt, Managing Attorney
Nicole Gon Ochi, Deputy Managing Attorney
Karissa Provenza, Law Fellow

Date: 01/31/2024



West Contra Costa Unified School District
Complaint Form: Williams Uniform Complaint Procedure

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law . Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No Date _____

Last Name Provenza First Name Karissa

Street Address/Apt. # [Please use email: kprovenza@publicadvocates.org]

City _____ Zip _____

Home Phone _____ Message/Work Phone 808-386-0399

School/Office of Alleged Violation John F. Kennedy High School

Course title/grade level and teacher name Multiple/See Attached

Room number/name of room/location of facility Multiple/See Attached

Date problem was observed 2023-24 School year to date

Issue(s) of the complaint: (Please check all that apply; a complaint may contain more than one allegation):

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- A pupil, including an English Learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after School. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing Pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5CCR 4681)

A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year, or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

A teacher lacks credentials or training to teach English learners or is assigned to teach a class with ~~more than 20 percent~~ **one or more** English learners in the class. **Change in law: see Cal. Educ. Code Sec. 35186(f)(2)(B)**

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; CCR 4683)

A condition exists that poses an emergency urgent or threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

A school restroom has not been cleaned or maintained properly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code 35186)

Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

See attached description of Williams issues.



Description of *Williams* Issues at John F. Kennedy High School

Introduction

John F. Kennedy High School is a high school in West Contra Costa Unified School District (WCCUSD). As of the 2022-23 school year, 823 students were enrolled at the school, 78 percent of whom are socioeconomically disadvantaged. Nearly half of the 823 students identified as English learners or multilingual learners.

Per California Education Code Section 35186, *Williams* complaints may be filed in response to concerns about instructional materials, clean and safe school facilities, or teacher vacancies or misassignments. Public Advocates is filing this *Williams* complaint on behalf of Hilda Cristina Huerta, an educator at John F. Kennedy High School, in response to serious concerns regarding teacher vacancies greatly impacting the students and teaching staff at John F. Kennedy High School.

The staffing instability and reliance on unsustainable remedies are causing a detrimental effect on the students of John F. Kennedy High School. Over 400 students At John F. Kennedy High School started the 2023-24 school year off without a certificated permanent teacher in at least one class. Members of the school community have expressed concerns about the number of students, particularly multilingual learners whose academic and social-emotional needs are being ignored because of the number of teacher vacancies at John F. Kennedy High School.

The Complainant

Hilda Cristina Huerta has been an educator at John F. Kennedy High School for ten years. She currently teaches two Spanish Literature classes for students whose home language is Spanish. Ms. Huerta played an instrumental role in the development of the Spanish Speaker Program at John F. Kennedy High School, and continues to provide essential support to multilingual students.

Teacher Vacancies

Members of the school community have shared the following general, ongoing concerns with us:

- Classroom instability and reliance on the online program, Edgenuity, to teach whole courses to classrooms of students is escalating chronic absenteeism, especially for those who require additional support.
- School administrators are having teachers both period-sub and work 120% of their job responsibilities¹, sacrificing their preparation time and risking burn out.

¹ Period-subbing is the practice of having a substitute or a school's own certificated teachers cover a vacancy on an ad hoc, day-by-day basis. When no permanent, single designated teacher is assigned to the class, an illegal vacancy exists. A related, but legal way to fill a vacancy is to designate a particular teacher to teach the same period every day for the full year or semester (assuming they are otherwise properly authorized to teach the subject and students

We have learned of the following specific teacher vacancies that we demand be immediately corrected:

- **Multi-grade English Language Development:** The teacher originally assigned to these two periods was pulled from a special assignment, and reportedly left after a few days into the 2023-24 school year, creating a vacancy in September 2023. Until October 2023 both periods were period-subbed. A long-term substitute teacher was assigned to cover the vacancy towards the end of the first quarter, and continued to cover the vacancy up until recently. Now, to our knowledge, the vacancy is again being period-subbed. This class is primarily for long-term English learners, some of whom are experiencing delays in reclassification due to the lack of stable support.
- **12th Grade CSU Expository Reading and Writing Curriculum:** The permanent teacher who would have been assigned to teach these four periods is the same as the above Multi-grade English Language Development class who has departed. Accordingly, this vacancy was formerly covered by a long-term substitute teacher beginning in October 2023. Now all four periods are being period-subbed, impacting students in their college preparation.
- **6th Period Physical Education:** Since the fall of 2023, this period has repeatedly been covered by substitutes or period-subbed by John F. Kennedy High School teachers working at 120%. Now, well into the 2023-24 school year, there continues to be no stable coverage.
- **Music:** Since the beginning of the school year, this music class has had a regular teacher teaching at 120% to cover two of the four weekly periods, and has fill-in teachers for the other two periods. To our understanding, a vacancy still exists for the two periods that are being period-subbed.

Inaction by School Administrators

We have also heard many concerns about inaction by school and district leadership and a systematic failure to ensure that students are provided with comprehensive instruction. Other surrounding districts are not experiencing the same level of teacher vacancies as WCCUSD.² These concerns include:

- A failure to develop a comprehensive recruitment, development, hiring and assignment plan across the district to ensure that all classes are covered by a single designated certificated teacher with the requisite subject matter competence and legal authorization to provide instruction to the students in the class. Through adequate compensation and support, robust teacher residencies,

in the class). When those teachers already have full loads, this results in the teacher working 120% to fill the vacancy. Although this practice, which appears to be a common occurrence at John F. Kennedy High School, does not technically violate *Williams*, it is not a sustainable solution for the individual teacher or the school community.² 78% of classes in West Contra Costa Unified School District are taught by both fully prepared and properly assigned teachers. See California Department of Education DataQuest, 2021-22 Teaching Assignment Monitoring Outcomes by Full-Time Equivalent (FTE),

<https://dq.cde.ca.gov/dataquest/DOCensus/TchAssgnOutcomeLevels.aspx?agglevel=County&cde=07&year=2021-22>.

The county and state average is 85%, with at least thirteen districts in Contra Costa meeting or exceeding that average. *Id.* See also, The Education Trust-West, Teaching Assignment Monitoring Outcomes (TAMO) Data Dashboard, <https://west.edtrust.org/tamo-data-dashboard/>.

grow-your-own, and other traditional and alternative pathway programs, the district needs to be aggressive about recruiting, developing and hiring an adequate supply of teachers.

- The reliance on teachers to work at 120% to cover vacancies, beyond what is included in this complaint, instead of actively searching for permanent and sustainable replacements.
- A failure to maintain adequate internal processes to hire and assign teachers in a timely manner and, when fully-credentialed teachers are not available, to take advantage of the lawful options for staffing classrooms with permanent teachers who may not yet be fully-certified, in lieu of rolling substitutes. The lack of such internal processes is evidenced by the inaction by administrators to recruit and retain permanent and certificated replacements for the vacancies in which they had ample notice to fill before the beginning of the 2023-24 school year.
- A failure to provide comprehensive training and institutional support to those long-term substitutes who are currently covering classes at John F. Kennedy High School.

Remedies Sought

We seek the following remedies. That the district and school:

- Fill the vacant positions within a reasonable period of time, not to exceed 30 (thirty) working days. (Cal. Educ. Code Sec. 35186(b)), and hopefully sooner to avoid further disruption to the affected students' education and adverse impacts on school climate.
- Prioritize filling the vacancies at Title I schools without exacerbating the issue elsewhere by pulling educators from other high need schools.
- Cease the practice of overworking John F. Kennedy High School teachers by having them work 120% and/or using long-term substitutes to cover vacancies, and instead implement districtwide processes to recruit, hire, and assign permanent, legally authorized teachers in a timely manner and refine the teacher development and support programs to advance such processes, including supporting classified staff interested in a pathway to become a certificated teacher.
- Implement a districtwide stipend program to prepare and retain teachers who are fully certificated to teach English learner students and the subject matter they are teaching at Title I schools.

We look forward to the prompt resolution of this complaint. If you have any questions, please contact Karissa Provenza at kprovenza@publicadvocates.org



John T. Affeldt, Managing Attorney
Nicole Gon Ochi, Deputy Managing Attorney
Karissa Provenza, Law Fellow

Date: 01/31/2024