



## 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~~ 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.**

---

---

---

---

---

---

---

---

---

Please file this complaint either with the principal of the school your child attends or at the Office of the Superintendent of Schools, 1108 Bissell Avenue, Richmond, California, 94801.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

Karen Parney

01/31/2024

---

Date



## 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.<sup>1</sup>

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.

---

<sup>1</sup> 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.<sup>2</sup>
- 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.

---

<sup>2</sup> 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.<sup>3</sup> 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.

---

<sup>3</sup> 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/DQCensus/TchAssgnOutcomeLevels.aspx?agglevel=County&cds=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](mailto:kprovenza@publicadvocates.org)



Date: 01/31/2024

---

John T. Affeldt, Managing Attorney

Nicole Gon Ochi, Deputy Managing Attorney

Karissa Provenza, Law Fellow