

Case No. A173289

**IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA**

**FIRST APPELLATE DISTRICT
DIVISION TWO**

**SAM CLEARE, SARAH KINCAID, JEREMIAH ROMM, AND
HILDA CRISTINA HUERTA**

Appellants and Petitioners

vs.

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT,
KENNETH CHRIS HURST, WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT BOARD OF EDUCATION, JAMELA SMITH-
FOLDS, DEMETRIO GONZALEZ HOY, OTHEREE CHRISTIAN,
MISTER PHILLIPS, AND LESLIE RECKLER**

Appellees and Respondents

On Appeal From the Superior Court for the State of California,
County of Contra Costa, Case No. N24-1353,

Hon. Benjamin T. Reyes II
Hon. Terri Mockler

**MOTION TO GRANT CALENDAR PREFERENCE AND SET AN
EXPEDITED BRIEFING SCHEDULE**

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APPELLANTS' MOTION FOR CALENDAR PREFERENCE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Petitioners-Appellants Sam Cleare, Sarah Kincaid, Jeremiah Romm, and Cristina Huerta hereby move this Court for preference on the hearing calendar and request the Court set an expedited briefing schedule in the Appeal. Calendar preference in this case would serve the “interests of justice”. (Code Civ. Proc., § 36(e).)

The trial court’s decision has permitted the Appellee-Respondent West Contra Costa Unified School District (“WCCUSD” or the “District”) to violate the Legislature’s mandates regarding the basic qualifications for classroom teachers and the oversight role of state educational agencies in ensuring minimum educator quality. Expediting this appeal would allow the Court to clarify those issues before students endure yet *another* year without qualified teachers. In the absence of an expedited appeal, the Superior Court’s decision permitting classrooms to be staffed with unqualified teachers will remain in effect for an extended period. Not only will that cause continuing irreparable—and indisputable—harm to students in this District, but it also raises the specter of other districts concluding that they too can ignore the Legislature’s mandates regarding teacher certifications.

As set forth in the accompanying Memorandum, there is no dispute that Respondent-Appellee is violating both state

certification laws and California Education Code Section 35186¹ by failing to provide students at certain schools with permanent (i.e., year-long), certificated teachers. The Superior Court refused to issue a writ of mandate, however, based on the District’s asserted defense of “impossibility”: that, due to a statewide teacher shortage, it cannot provide qualified teachers in the handful of classrooms at the three schools where Petitioners-Appellants sought relief from teacher vacancies in their administrative complaints. The District claimed instead that it must rely on a practice of using 30-day substitutes who are not qualified to teach for the entire year—even though the District has identified personnel who could be directed to fill those vacancies and even though other districts manage to comply with the state’s certification mandates. Not only is there no such impossibility defense in this context, but the Superior Court’s decision also permitted the District to evade pursuit of the statutorily mandated certification waiver process, thereby usurping the power of state agencies that have the sole discretion to evaluate a District’s hardship assertion in the first instance.

Absent a decision from this Court, there is every reason to think that this practice will continue or even spread through this District or to other districts. This Court should exercise its

¹ The California Legislature enacted Education Code Section 35186 as a result of a landmark civil rights settlement in *Williams v. California*. Section 35186 created both the right and an administrative process to ensure that school districts provide students with essential components of a quality education, including at least year-long certificated teachers.

discretion to expedite its review of the Superior Court's legal error in the interest of justice.

This Motion is based on the Memorandum accompanying this motion; the declaration of Karissa Provenza and exhibits thereto, and the Proposed Order filed concurrently here within.

DATED: May 28, 2025

Respectfully submitted,

By: s/ John T. Affeldt
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handbooks/waiverhandbook.pdf](https://www.ctc.ca.gov/docs/default-source/credentials/manuals-handbooks/waiverhandbook.pdf), as of Dec. 20,
2024 18

I. INTRODUCTION

Students at multiple schools in the West Contra Costa Unified School District (WCCUSD or “the District”) are currently being denied their statutory right to permanent, certificated, qualified teachers based on a thinly asserted and untested impossibility defense. This situation requires immediate appellate review and intervention, given the risk that these violations of state law will continue for *another* school year or even spread within or beyond this District.

Longstanding state certification laws have established minimum qualification standards for classroom teachers to ensure that instruction is delivered by those who have training in the relevant subject matter and the pedagogy to teach that subject matter, including to diverse student populations like English learners and special education students. (See, e.g., Ed. Code, §§ 44225.7, 44452; 44325, 44453(a), 44455, 44225.7(a), 44225(m)(1); Cal. Code Regs., tit. 5, §§ 80021, 80022, 80021.1, 80025, 80025.1(a)(4).) It is unlawful for school districts to assign uncertified individuals to certificated positions, including teacher positions. (See, e.g., Ed. Code, § 44830.) In 2004, the State of California entered into a landmark settlement in the case

Williams v. California that built upon state certifications laws. In that settlement, the State conceded the right of *all* public school students—rich and poor alike—to at least a basic level of education, including a qualified teacher in each classroom for the entire year. The Legislature adopted implementing legislation establishing this basic right. (Ed. Code, § 35186.) The Legislature also mandated a complaint process in which districts are required to remedy the failure to provide a qualified teacher (defined as a single, designated, minimally certified, year-long teacher) within 30 days of a complaint being filed. If a district cannot comply with the legal mandate of Section 35186 and the related teacher certification laws, it can seek a waiver of those requirements from state oversight agencies.²

There is no dispute the District has continued to assign unqualified staff to at least three of the more poverty-afflicted schools in the District, despite formal *Williams* complaints from parents and teachers and the filing of this lawsuit. The District

² For example, a district can seek a waiver from the state Commission on Teacher Credentialing to obtain a year-long provisional certification for an individual candidate or, in certain circumstances, a district can even seek a waiver of certification requirements for the district as a whole. (Ed. Code § 44225(m)(1).)

admits that it is illegally relying on substitutes and other staff to temporarily cover on a day-to-day basis in multiple classrooms. The District's sole explanation for flouting state law is the supposed "impossibility" of finding even minimally-qualified teachers, even though other districts find ways to follow state law.

There is also no dispute that the District has not sought a waiver from state oversight agencies of its statutory mandate to provide qualified teachers. Again, the District pleads "impossibility," insisting that, contrary to law, it is unable to apply for waivers for the current unqualified personnel in Petitioners-Appellants' complaint and that it need not utilize other more qualified personnel at its disposal.

The Superior Court accepted the District's "impossibility" defenses and denied Petitioners-Appellants' writ petition, based on the District's mischaracterization of the law, including of its own legal capacity to act. The Superior Court refused to reconsider even after Petitioners-Appellants demonstrated in a motion for new trial that (1) the District in fact has *dozens* of available qualified teachers in non-teaching and administrative roles who could fill the vacancies and (2) the District is legally

required to seek—and state oversight agencies are fully empowered to provide—waivers if it were truly “impossible” to find more qualified teachers. (Declaration of Karissa Provenza “Provenza Decl.” Ex. 8 [Motion for New Trial].) Indeed, it is the role of these agencies to evaluate claims of “impossibility” from school districts. No statute or law gives the trial courts the power to waive a district’s compliance with either state certification mandates or the *Williams* mandates.

This Court should expedite this appeal in the “interests of justice” to ensure that the District’s obligations are clarified before the next school year. (Code Civ. Proc., § 36(e); Cal. Rules of Court, rule 8.240.) Upwards of 100 elementary and middle school students at Stege Elementary School and Helms Middle School, where the bulk of the teacher vacancies remain, have already lost nearly *two years* of education since Petitioners-Appellants filed the *Williams* complaints. This Court has the power to ensure this does not continue for another year, as state courts are empowered to issue a writ requiring compliance with state law. There is no reason to deprive these children of yet another year of education. Notably, this Motion is supported by the California Teachers Association (CTA), one of the state’s

largest teachers' unions with over 300,000 members. The CTA has submitted a letter in support of this Motion urging the Court to expedite the appeal to avoid "additional irreparable harm to the District's students and teachers." (Provenza Decl. Ex. 11 [Letter from California Teachers Association "CTA Letter"].)

The Superior Court's decision on appeal is the first time a court has *ever* permitted a district to disregard its statutory duties under *Williams* or, as far as counsel are aware, of the statutory duty to staff certificated teaching positions only with lawfully certified teachers. It is essential that this District and other districts do not believe that they can foist unqualified staff on their lowest-income schools, immune from supervision by the courts or state agencies, merely by claiming that they tried "hard enough" and failed to find any qualified teachers.

II. BACKGROUND & PROCEDURAL HISTORY

California Education Code Section 44830(a) mandates that "[t]he governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law...." To be "certificated" (or synonymously, "certified") means to hold the appropriate State-authorized certificate,

demonstrating one has the minimal qualifications to teach the specific subject matter(s) and students—e.g., a full California teaching credential (referred to as a professional clear or a preliminary credential), an intern credential, various year-long “emergency-style” teaching permits such as a one-year short-term teaching permit, or a one-year waiver. (See, e.g., Ed. Code, §§ 44225.7, 44452, 44325, 44453(a), 44455, 44225.7(a), 44225(m)(1); Cal. Code Regs., tit. 5, §§ 80021, 80022, 80021.1, 80025, 80025.1(a)(4).) Further, the statutory scheme enacted as a result of the *Williams* settlement requires that all classrooms be staffed by a single-designated, at least minimally-certificated, teacher for the entire year. (Ed. Code, § 35186(h)(3).) Districts in California have a mandatory duty to comply with these statutes. If a District is unable to comply, the Legislature has endowed expert state agencies, such as the State Board of Education (SBE) and the Commission on Teacher Credentialing (CTC) with the authority to waive provisions of the Education Code pertaining to certification (as concerns the CTC) or more broadly (as concerns the SBE).

As the accompanying declaration from Dr. Mary Vixie Sandy, Executive Director of the CTC suggests, there are

statutory mechanisms that districts can pursue to seek waivers for individual teacher candidates who otherwise are unqualified. (Provenza Decl. Ex. 10 [Declaration of Dr. Mary Vixie Sandy “Sandy Decl.”] ¶¶10-14.) Even further, districts can apply for and obtain waivers over entire sections of the Education Code, if the district can prove such requirements are overly onerous or impossible to fulfill in a given circumstance. The Superior Court refused to order the District to pursue any such mechanism which would subject WCCUSD’s claims of hardship to review by the appropriate state officials.

On January 31, 2024, Petitioners-Appellants Cleare, Romm, and Huerta filed three *Williams* complaints with the District regarding 12 teacher vacancies at three schools within WCCUSD—Stege Elementary School, Helms Middle School, and Kennedy High School. These three schools, perhaps not coincidentally, have among the highest poverty rates (71-87%) in the District. Stege has the highest enrollment of Black students in the District, three times the District average. Helms has one of the highest enrollment of English Learner students (50%) in the District.

In response to the *Williams* complaints, the District admitted that it was unlawfully filling those positions with unqualified staff, such as substitutes teaching beyond their 30-day authorization. Despite acknowledging that it was out of compliance, the District failed to remedy the complaints, asserting it was helpless to act due to a statewide teacher shortage. (Provenza Decl. Ex. 2 [Petn. For Writ of Mandate “Petn.” Ex. 8] at p. 3.) Petitioners-Appellants then appealed to the WCCUSD Board of Education. (Provenza Decl. Ex. 2 [Petn. Ex. 10] at pp.1-3.) Again, the District admitted it was in violation of the law, but failed to remedy the complaints. (Provenza Decl. Ex. 2 [Petn. Ex. 9] at pp. 2-3.)

On July 19, 2024, Petitioners-Appellants filed a petition for writ of mandate to require the District to provide students with year-long, qualified teachers, as required by state law. (Provenza Decl. Ex. 2 [Petn.].) Despite having previously asserted there was nothing it could do to remedy the 12 vacancies identified in the *Williams* complaints, after the suit was filed the District addressed 9 of the 12 vacancies. In opposing the writ, the District again conceded it is in violation of state credentialing laws and that, at that time, three teaching positions among the

three schools remained staffed by unqualified personnel, *i.e.*, those who lacked any lawful state certification. Moreover, the District acknowledged it would continue its practice of using substitutes to fill vacant teacher positions for the entire school year even though such individuals are only authorized to fill-in for absent teachers for thirty days in any one classroom.

The matter was heard on October 11, 2024. Although there was no dispute that the District's actions violated the law, the District claimed that compliance with state law was “impossible.” The District insisted at the hearing that it had exhausted all available avenues to fill the vacancies. In particular, the District insisted that its contract with the teachers’ union prohibited it from involuntarily transferring qualified teachers from non-teaching or administrative positions. It also insisted that following the process laid out in the Education Code to seek waivers from state education agencies would be futile because those agencies would not grant it waivers. (Provenza Decl. Ex. 6 [Oct. 11, 2024 R.T.] at p. 28.) The Superior Court accepted these arguments of impossibility and denied the writ in a minute order dated October 11. (Provenza Decl. Ex. 7 [Minute Order].)

In an effort to demonstrate that the District had misrepresented the law and its own legal capacity with respect to its “impossibility” argument, Petitioners-Appellants filed a motion for new trial on December 23, 2024, supported by declarations from the Executive Director of the California CTC and the Executive Director of the local teachers’ union. (Provenza Decl. Ex. 8 [Mot. for New Trial, Aug. 30, 2024].) Petitioners-Appellants demonstrated that, first, as a matter of law, the District’s contract with the teachers’ union did not preclude it from reassigning fully-certified teachers from non-teaching or central office assignments to fill vacancies. (Provenza Decl. Ex. 9 [Declaration of Mark Mitchell “Mitchell Decl.”] ¶¶ 6-8; Ed. Code, §§ 35186(h)(3); 44830(a).) In fact, the District had made numerous such involuntary transfers both shortly before the October 11 hearing and shortly after the hearing—even while it was asserting the impossibility of such transfers to the Superior Court. Petitioners-Appellants also explained, supported by a declaration from the CTC itself, that as matter of the legislative scheme, the District can, and is in fact required to, seek waivers from the CTC or the State Board of Education if it is really impossible to find qualified teachers. (Provenza Decl. Ex. 10

[Sandy Decl.] ¶ 11; Ed. Code, § 44225(m); *id.* (m)(1)(D), (E);³ see Ed. Code, §§ 33050-33503 (as to general State Board waiver authority of non-certification provisions such as to *Williams* provisions).)

On April 15, 2025, the Superior Court denied Petitioners-Appellants' Motion for New Trial in a minute-order. (Provenza Decl. Ex. 1 [Order Denying Mot. for New Trial].)

On May 14, 2025, Petitioners-Appellants' filed a notice of appeal. This Motion follows.

III. ARGUMENT

- A. **Calendar preference is in the interest of justice given the likelihood that numerous children will otherwise be deprived of another year of their right to instruction from permanent, state-qualified educators.**

Petitioners-Appellants seek expedited appellate review to ensure that another year does not pass with dozens, or even hundreds, of children in WCCUSD denied their right to basic instructional quality mandated for all children by the state. The Superior Court's decision threatens to give school districts *carte*

³ *Waiver Requests Guidebook for Employers* (rev. ed. 2024) Commission on Teacher Credentialing Ensuring Teacher Quality <https://www.ctc.ca.gov/docs/default-source/credentials/manuals-handbooks/waiverhandbook.pdf> [as of Dec. 20, 2024] at p. 3.)

blanche to ignore teacher-certification laws and *Williams* requirements for students not only in the five classrooms across the three schools directly at issue here, but also in thousands of classrooms across the state where other districts will now be similarly tempted to unilaterally assert it is too “hard” to find or reassign a qualified teacher. This will result in continued irreparable harm to students. A child’s loss of a year of education literally cannot be remedied. (*Butt v. State of California* (1992) 4 Cal.4th 668, 674 [holding that the “loss of six weeks of instruction would cause serious, irreparable harm to the District’s 31,500 students and would deny them their ‘fundamental right to an effective public education’ under the California Constitution.”].)

The District will, for example, continue—or even expand—its practice of assigning 30-day substitutes to classrooms for the entire school year. Thirty-day substitutes typically only have a B.A.—usually in subjects other than what they are teaching—and are not required to have pedagogical training on how to teach any subject to a typical student, much less to a high-needs special education student or an English learner. A year of such a substitute is hardly an education, which is precisely why the California Legislature has outlawed it.

Many students at Stege Elementary, Helms Middle and Kennedy High School have already gone at least two years without qualified teachers in their classrooms. As the letter from the CTA confirms, “[t]he District’s ongoing failure to fill vacancies with fully and properly qualified teachers has negatively affected CTA members and the students they teach.” (Provenza Decl. Ex. 11 [CTA Letter].) For example, Petitioner-Appellant Cleare described how she has spent most of the last school year supporting a “seriously underprepared” substitute across the hall. (Provenza Decl. Ex. 5 [Declaration of Samantha Cleare “Cleare Decl.”] ¶ 5.) Similarly, Petitioner-Appellant Romm described the devastating effect that vacancies have on English learners and newcomer students. (Provenza Decl. Ex. 4 [Declaration of Jeremiah Romm “Romm Decl.”] ¶¶ 3-5.) Kennedy High School has the lowest graduation rate in the district (62%) and all three schools at issue are significantly falling behind state standards in Math and English. Without an expedited appeal, this pattern will continue for another year or two at minimum, and will prolong the hardships faced by these students and teachers.

It will serve the interests of justice, to expedite this appeal and decide now whether these children—and potentially many more—will continue to be denied their right to an education.

B. Calendar preference is in the interest of justice to clarify the law and to avoid confusion for other school districts in California.

An expedited appeal is also in the interest of justice to ensure that school districts statewide do not believe that they too can ignore state law regarding teacher credentialing. It is imperative to clarify before the start of the new school year that districts cannot ignore state certification mandates *unilaterally* and evade state oversight of their teacher assignment practices. Without an expedited appeal, the Superior Court’s decision will sow confusion among districts statewide, promoting the notion that the state’s minimum teacher certification mandates are mere suggestions —and can be disregarded whenever a district decides it has tried “hard enough” and failed to find a minimally certified teacher. This could lead to irreparable injury to thousands or tens of thousands of children across the state.

IV. CONCLUSION

The Superior Court's denial of Petitioners-Appellants' writ of mandate and motion for a new trial rubber stamps the

District's clear violation of law. While this appeal is pending, hundreds of students are suffering from the consequences of this erroneous decision and potentially thousands more may suffer a similar fate in the coming year. For the foregoing reasons, Petitioners-Appellants respectfully request that the Court grant this motion for calendar preference and set an expedited briefing schedule for the appeal.

CERTIFICATE OF WORD COUNT COMPLIANCE

In accordance with California Rules of Court, rule 8.204(c), I hereby certify that this brief contains 2749 words as established by the word count of the computer program (Microsoft Word) used for preparation of this brief. This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 13-point size Century Schoolbook font.

s/ Karissa Provenza

Karissa Provenza

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DECLARATION OF KARISSA PROVENZA

I, Karissa Provenza, hereby declare:

1. I am admitted to practice before all of the courts of the State of California and this Court. I am an attorney at Public Advocates and counsel of record for Petitioners-Appellants in the above-captioned matter. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would testify competently to the matters set forth herein.

2. This appeal arises out of the Superior Court's October 11, 2024 Minute Order denying Petitioners-Appellants' Motion to Issue Writ of Mandate, and a subsequent April 15, 2025 Order Denying Petitioners-Appellants' Motion for New Trial. A true and accurate copy of the October 11, 2024 Minute Order is attached hereto as Exhibit 7, and a true and accurate copy of the April 15, 2025 Order is attached hereto as Exhibit 1. The factual and procedural background leading to these Orders is set forth below.

3. On January 31, 2024, Petitioners-Appellants Cleare, Romm, and Huerta filed three *Williams* complaints with the District regarding 12 teacher vacancies at three schools within

WCCUSD—Stege Elementary School, Helms Middle School, and Kennedy High School.

4. The District submitted a written response to the *Williams* complaints admitting that it was unlawfully filling the vacancies with unqualified staff, such as substitutes teaching beyond their 30-day authorization. Nonetheless, the District failed to remedy the complaints, asserting it could not do so due to a statewide teacher shortage.

5. Petitioners-Appellants then appealed to the WCCUSD Board of Education. The District admitted again that it was in violation of the law but failed to remedy the complaints.

6. On July 19, 2024, Petitioners-Appellants filed a Petition for Writ of Mandate, a Motion to Issue Writ of Mandate, and accompanying declarations from Petitioners-Appellants Romm and Cleare, seeking to require the District to provide students with year-long, qualified teachers, as required by state law. A true and accurate copy of the Petition is attached hereto as Exhibit 2. A true and accurate copy of the Motion is attached hereto as Exhibit 3. A true and accurate copy of Petitioner-Appellant Romm’s Declaration and Petitioner-Appellant Cleare’s Declaration are attached hereto as Exhibits 4 and 5, respectively.

7. On October 11, 2024, the Contra Costa Superior Court held a hearing on the motion. A true and accurate copy of the hearing transcript is attached hereto as Exhibit 6. That same day, the Superior Court denied Petitioners-Appellants' Motion via minute order. A true and accurate copy of the minute order is attached hereto as Exhibit 7.

8. The Court directed Respondent-Appellee's counsel to prepare an order denying the writ and entering judgment. Despite Petitioners-Appellants' counsel requesting action by Respondent-Appellee's counsel and ultimately the court to enter the judgment, no judgment was otherwise entered by the court other than the minute order.

9. On December 23, 2024, Petitioners-Appellants timely filed a motion for new trial pursuant to California Code of Civil Procedure sections 657 and 659. A true and accurate copy of the motion is attached hereto as Exhibit 8. Petitioners-Appellants' Motion was supported by the Declarations of Mark Erwin Mitchell and Mary Vixie Sandy. True and accurate copies of Mitchell's and Sandy's Declarations are attached hereto as Exhibits 9 and 10, respectively.

10. The Superior Court denied Petitioners-Appellants' Motion for New Trial in an order dated April 15 2025. A true and accurate copy of the Order is attached hereto as Exhibit 1.

11. While the Court again directed Respondent-Appellee's counsel to prepare an order entering judgment, Respondent-Appellee's counsel failed to do so and no formal entry of judgment has been entered. Petitioners-Appellants appeal the order denying the writ and the order denying the new trial. Within 180 days of the denial of the writ by minute order, Petitioners-Appellants sought a new trial, which delayed the time to appeal that order until 30 days after the denial of the new trial. (Cal. Rules of Court, rule 8.108(b).)

12. On May 28, 2025, the California Teachers Association (CTA) submitted a letter in support of Petitioners-Appellants' Motion to Expedite. The CTA's letter agrees that failure to resolve Petitioners-Appellants' appeal before the beginning of the 2025-26 school year "would cause additional irreparable harm to the District's students and teachers." A true and accurate copy of the CTA's letter is attached hereto as Exhibit 11.

13. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 28th day of May, 2025, at San Francisco,
California.



Karissa Provenza

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EXHIBIT 1

Superior Court of California
COUNTY OF CONTRA COSTA
COURTHOUSE
725 COURT STREET
P.O. BOX 911
MARTINEZ, CA 94553

Docket
APR 21 2025

FIRST-CLASS

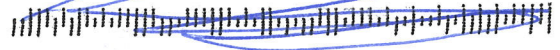


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*not
Sheppard
Mullin*


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d by the CA 1st District Court of Appeal.

FILED
APR 15 2025

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By  A. Nuestro, Deputy Clerk

DATE: April 15, 2025

Department 16

HONORABLE BENJAMIN T. REYES II

Clerk: Anna Nuestro

Not Reported

SAM CLEARE, SRAH KINCAID, ET. AL

Petitioners,

Vs.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT, ET. AL,

Respondents.

Case No. N24-01353

ORDER

At the hearing of this matter on March 19, 2025, the Court took this case under submission to review the Report's Transcript of the hearing, the legal authorities cited in the briefs submitted by the Parties and to review the orders previously made by the Court. After carefully reviewing the arguments of Counsel, the reply brief submitted on March 14, 2025, the decisional authorities cited therein, the Court makes the following findings, rulings and orders.

Petitioners' Motion for New Trial is Denied.

On December 23, 2024, Petitioners Sam Cleare, Sarah Kincaid, Jeremiah Romm, Hilda Cristina Huerta, and Jetaun Thompson (collectively, "Petitioners") filed and served a Motion for New Trial pursuant to Cal. Code of Civ. Proc. §§ 657 and 659. Respondents West Contra Costa Unified School District ("WCCUSD" or "District"), Kenneth C. Hurst, the WCCUSD Board of Education, Jamela Smith-Folds, Demetrio Gonzalez Hoy, Otheree Christian, Mister Phillips and Leslie Reckler (collective, "Respondents") filed a timely opposition on March 10, 2025.

Background

On October 11, 2024, this Court held a hearing on Petitioner's petition for a writ of mandate to compel Respondents to follow Education Code §§ 35186 and 44830 with respect to various administrative complaints about certain school facility conditions and teacher vacancies. Petitioner's writ had been fully briefed on August 30, 2024. On September 26, 2024, the Respondents' submitted timely oppositions, supported by a memorandum of points and authorities and declarations. Petitioners requested that the Respondents be compelled to take the following action:

1. Hire a full time single designated certificated teacher for each teacher vacancy at Stege Elementary School (“Stege” or “Stege ES”), Helms Middle School (“Helms” or “Helms MS”), and Kennedy High School (“Kennedy” or “Kennedy HS”);
2. Refrain from filling any teacher vacancy at these schools with substitute teachers for longer than authorized or lined up sequentially so that no single teacher is assigned to a class or classroom for the full year or by using other teachers at the school site to cover a class or classroom on a day-to-day basis in addition to their own classes; and
3. Send Petitioners and the Court a written report about how it intends to hire a full-time single-designated teacher of each teacher vacancy at these three schools.

On October 11, 2024, at the duly scheduled hearing of the Writ, the Court heard arguments from both parties and found that there was no basis for a Writ of Mandate. Accordingly, the Court denied Petitioners’ Writ of Mandate pursuant to the “Williams” procedures. The Court also denied Petitioner’s writ of mandate regarding school vacancies.

Generally, the Petitioner has the burden of proof in a *mandamus* proceeding because it is presumed that the agency regularly performed its official duty. Cal. Evid C §664; *Save Laurel Way v City of Redwood City* (2017) 14 Cal.App.5th 1005, 1011. Consequently, the petitioner has both the burden of going forward (i.e., producing evidence) (Evid C §550) and the burden of proof (i.e., persuading the court that the agency’s decision was invalid and should be set aside). See Cal. Evid C §606; *Arwine v Board of Med. Exam’rs* (1907) 151 C 499, 503. Here, in denying the Petitioners’ writ, the Court found that Petitioners did not meet their standard of proof.

Petitioners now seek a new trial on the merits of their petition on the basis that the prior decision reflected an error in law, invited by Respondents’ misstatements, as well as on the basis of newly discovered evidence that was not available at the time of the October 11 hearing. Petitioners served the Notice of Motion on December 23, 2024, then filed a statement of non-opposition on February 19, 2025.

On February 26, 2025, at the regularly scheduled hearing of this matter, the Court continued Petitioners’ Motion to March 19, 2025 in Department 16 before the Hon. Benjamin T. Reyes II, ordering a briefing schedule. Respondents’ Opposition was due on March 7, 2025. The Petitioners’ Reply Brief was filed on March 14, 2025. The Court reviewed all briefs submitted by the Parties.

Analysis

Petitioner’s Arguments

A motion for new trial requests the trial court to reexamine an issue of fact or law. Cal. Code of Civ. Proc. §§656–662.5, 914; *Malkasian v Irwin* (1964) 61 C2d 738, 745. A motion for new trial is timely if made at least 15 days after service of entry of judgment (or 180 days after entry of judgment). Code Civ. Proc. § 659(a)(2). Any aggrieved party in a writ proceeding may file a motion for a new trial under Cal. Code of Civ. Proc. §§656–662.5, CCP §§1092, 1105, 1109–1110

(making post-trial statutes applicable to writ proceedings). See *Gonzalez v Department of Corrections & Rehabilitation* (2011) 195 CA4th 89, 94 (new trial denied in mandate proceeding to compel department to file application for disability benefits); *Lippman v City of Los Angeles* (1991) 234 CA3d 1630, 1633 (new trial denied in mandate proceeding seeking to compel city to consult with citizens' committee in implementing redevelopment project); *City of Poway v City of San Diego* (1991) 229 CA3d 847, 855 (new trial denied in mandate proceeding challenging city's decision on roadway closure). Grounds for the motion are statutory only. *Fomco, Inc. v Joe Maggio, Inc.* (1961) 55 Cal. 2d 162, 166; See Cal. Code of Civ. Proc. §§657–657.1, 914. Because the Court does not have inherent power to grant a new trial, statutory requirements must be followed precisely. *Mercer v Perez* (1968) 68 Cal.2d 104, 118 (procedural steps for making and ruling on motion are mandatory and must be strictly followed). See *Cembrook v Sterling Drug Inc.* (1964) 231 Cal.App.2d 52, 66. A petitioner may not file a Motion for New Trial because a dissatisfied litigant requests it. *Cronk v. Cronk* (1962) 210 Cal.App.2d 683, 692.

Here, Petitioners Motion is timely. It is made on the following grounds that there was an “[e]rror in law” or there is “[n]ewly discovered evidence” that could not have been produced at the trial.”

To be entitled to a new trial based on “newly discovered evidence,” Petitioners must show that: 1) the evidence, not merely its materiality, is newly discovered; 2) the evidence is not cumulative of evidence already presented to the Court; 3) the evidence leads to a probable different result on retrial; 4) the evidence is such that Petitioner could not, with reasonable diligence, have discovered and produced it at the trial; and 5) these facts must be shown by best evidence that the case admits. (*Philpott v. Mitchell* (1963) 219 Cal. App. 2d 244, 248-249.); evidence must relate to events and facts that took place prior to the original trial. (*Aron v. WIB Holdings* (2018) 21 Cal. App 5th 1069, 1079.)

Petitioners’ motion is supported by the Declarations of Karissa A.D. Provenza (counsel), including Ms. Provenza’s supplemental declaration filed on March 14, 2025, Mark Erwin Mitchell (the executive director of the local teachers’ union) and Mary Vixie Sandy, Ed.D (the Executive Director of the California Commission on Teacher Credentialing.) Petitioners claim that Respondents made a number of legal and factual statements concerning their ability to follow the Education Code with respect to Petitioners’ administrative complaints, which led the Court erroneously to deny the writ petition. Petitioners presented the foregoing declarations to correct the “false record created by Respondents’ misstatements that were the basis of the Court’s erroneous decision.” Petitioners seek a new trial to vacate the prior erroneous decision, and to obtain a writ petition compelling Respondents to follow the law as outlined in Petitioners’ Petition for Writ of Mandate (filed July 19, 2024) and Motion to Issue Writ of Mandate (filed Aug. 30, 2024). The Court has carefully reviewed the above Declarations and understands the factual statements being represented by the Court.

In applying the standard for “newly discovered evidence,” the Court is unconvinced that the facts presented in Petitioners’ Declarations are newly discovered and were unknown at the time that the initial Writ was submitted to the Court. Indeed, the declarations, themselves, factually

appear to reflect otherwise. For example, specifically, the Declaration of Dr. Mary Sandy, which is based only on “information provided Petitioners’ counsel” (¶¶ 5, 12), provides an opinion on state certification laws, the standards for substitute teachers and the waiver process. (¶¶5-7, 10-13). The Court has not been presented with facts that support that these standards were unknown to the Petitioners [or Respondents] at the time of the hearing of the Writ. Indeed, if these standards have been known to Petitioners and Respondent at the time of the hearing, and had been in place for some time, they are not “newly discovered evidence.” Petitioners could have produced these standards at the trial, or Dr. Sandy’s testimony, but failed to do so. Even if this evidence is “newly discovered,” which is not the case, it would not lead to a probable different result on retrial. Dr. Sandy’s declaration does not provide evidence to support a new trial.

Additionally, as another example, the Supplemental Declaration of Counsel Karissa A.D. Provenza, which attaches the transcript of the hearing before Judge Mocker on October 11, 2024, do not cite to new facts. Upon reviewing the transcript, the Court finds that it recites to facts that were known to Petitioners about the issues involving the certification of substitute attorneys. (See Reporter’s Transcripts pp. 19-31). Counsel Provenza also represented that Petitioners have received and attached “Williams” complaints known to the school district and to Petitioners occurring between July 1, 2024 – September 20, 2024—at least 20 days before the Court hearing on October 11, 2024. This Court finds that these facts were known to Petitioners at the time of the Court hearing . Petitioners should have, but did not bring these facts to the Court’s attention at the time of the hearing, despite being known to them. Counsel Provenza’s Declaration does not set forth newly discovered facts that support a new trial. Even if this evidence is “newly discovered,” which is not the case, it would not lead to a probable different result on retrial.

The Declaration of UTR Executive Director Mark Mitchell, dated December 24, 2024, recites to facts about transfers that may have been known by Petitioners on December 10, 2024 (¶ 6), citing to statistics about involuntary transfers that were known during the school. These facts appear to be either cumulative in that they reflect ongoing information already known by the Petitioners, or they are facts that appeared to have been discovered after the Court hearing, which do not relate to events and facts that took place *prior* to the original trial. (*Aron v. WIB Holdings* (2018) 21 Cal. App 5th 1069, 1079.) Either way, Mr. Mitchell’s declaration provides no basis for a new trial. Even if this evidence is “newly discovered,” which is not the case, it would not lead to a probable different result on retrial.

Respondents’ Arguments

Respondent Opposition asserts the following arguments in opposition to Petitioner’s Motion for New Trial. First, Respondents assert that this matter should be heard by the Hon. Terri Mockler in Department 27. Such request is denied. Judge Mockler was reassigned to the Criminal Division of the Court and is no longer available to hear this case. Judge Benjamin T. Reyes II was assigned to handle this matter, and all of the cases assigned to Judge Mockler, effective January 1, 2025. Judge Leonard Marquez covered Judge Reyes’s docket while Judge Reyes was on

medical leave. On February 26, 2025, Judge Marquez calendared this Motion for New Trial in Department 16, before Hon. Benjamin T. Reyes II. No timely objections or motions pursuant to Cal. Code of Civ. Proc. Sections 170, et. Seq. were filed with the Court seeking to disqualify Judge Reyes. Accordingly, Judge Reyes is not disqualified to hear this case.

Respondent also asserts that there is no basis for a new trial on the following additional grounds: Second, that Petitioners failed to perform due diligence and submitted improper cumulative evidence after the hearing; Third, that Petitioners fail to show insufficiency of evidence; and Fourth, that Petitioners failed to show error of law. In support of their opposition, Respondents submitted the Declaration of Associate Superintendent Camille Johnson.

Ms. Johnson’s Declaration outlines, in careful detail, the numerous vacancies that have been filled by the District, including those filled by substitute teachers, and certain details in seeking appropriate Variable Term Waivers for the substitute teachers. Importantly, the statements attested to in Johnson’s declaration were effective as of October 11, 2024, the date of the hearing before the Court. The Declaration also details the post-hearing meet and confer requirements undertaken by UTR and the District, which were agreed to and implemented. The Court does not take into consideration these post-hearing facts, as they are not determinative regarding Petitioners’ Motion for a New Trial. The Court notes only that Respondents appear to address post-hearing actions raised by Petitioners, which this Court does not find relevant for the purposes of deciding this Motion.

Ruling

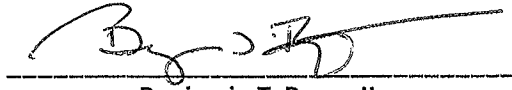
In considering all of the papers submitted by Counsel and the Parties, and in reviewing the underlying moving papers, including of Judge Mockler’s minute order, the Reporter’s Transcript presented to the Court, the transcript of the hearing on March 19, 2025, and all supporting Declarations, including the supplemental declaration filed by Counsel Provenza on March 14, 2025, the Court finds that Petitioners did not present “newly discovered evidence” that, with due diligence, “could not have been produced at the hearing.” Even if the evidence is viewed by the Court to be “newly discovered,” which it does not, this Court finds that it would not lead to a probable different result on retrial.

The Court also does not find that there are any findings made by the Court that support an “error of law” or that were erroneous. The record presented to the Court is devoid of any facts supporting an error of law. Accordingly, the Court **denies** the Petitioners’ Motion for New Trial with prejudice.

The Court orders Respondents’ counsel to prepare a proposed order that conforms to this ruling and to submit it, approved as to form, via e-file. The Court also orders the Respondents prepare a corresponding judgment on the writ of mandate.

IT IS SO ORDERED.

Date: April 15, 2025

A handwritten signature in black ink, appearing to read "Benjamin T. Reyes II", written over a horizontal line.

Benjamin T. Reyes II
Judge of the Superior Court

LAURA PERRY ESQ.
350 SOUTH GRAND AVENUE
LOS ANGELES CA 90071

CLERK'S CERTIFICATE OF MAILING	
CASE NAME: SAM CLEARE VS. KENNETH HURST	CASE NUMBER: N24-1353
THIS NOTICE/DOCUMENT HAS BEEN SENT TO THE FOLLOWING ATTORNEYS/PARTIES: KARISSA AD PROVENZA 131 STEUART ST, SUITE 300 SAN FRANCISCO, CA 94105 DANE P SHIKMAN 560 MISSION STREET SAN FRANCISCO, CA 94105 LAURA PERRY ESQ 350 SOUTH GRAND AVENUE LOS ANGELES, CA 90071 KATHERINE A ALBERTS 1390 WILLOW PASS ROAD SUITE 700 CONCORD, CA 94520	

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY

I DECLARE UNDER PENALTY OF PERJURY THAT I AM NOT A PARTY TO THE WITHIN ACTION OR PROCEEDING; THAT ON THE DATE BELOW INDICATED, I SERVED A COPY OF THE **ORDER RE 3/19/2025 - (UNREPORTED MINUTE ORDER)** BY DEPOSITING SAID COPY ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID IN THE UNITED STATES MAIL AT MARTINEZ, CA AS INDICATED ABOVE TO ALL ACTIVE AND DISPOSITIONED PARTIES.

DATE: 4/15/2025

BY: A.N.
A. NUESTRO, DEPUTY CLERK

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EXHIBIT 2

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF CONTRA COSTA**

17 SAM CLEARE, SARAH KINCAID,
18 JEREMIAH ROMM, HILDA CRISTINA
HUERTA, AND JETAUN THOMPSON

19 Petitioners,

20 v.

21 WEST CONTRA COSTA UNIFIED
22 SCHOOL DISTRICT, KENNETH CHRIS
23 HURST, WEST CONTRA COSTA UNIFIED
24 SCHOOL DISTRICT BOARD OF
EDUCATION, JAMELA SMITH-FOLDS,
25 DEMETRIO GONZALEZ HOY, OTHEREE
CHRISTIAN, MISTER PHILLIPS, AND
26 LESLIE RECKLER,

27 Respondents.

Case No.

VERIFIED PETITION FOR WRIT OF
MANDATE (CCP § 1085) AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF

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1 **INTRODUCTION**

2 1. This is a straightforward case seeking to compel a school district to comply with its
3 mandatory statutory duties to address complaints about dangerous facilities conditions and
4 unaddressed teacher vacancies in classrooms.

5 2. In 2004, as part of a landmark statewide settlement in *Williams v. California*, the
6 California Legislature established standards and procedures to ensure that all California public
7 school students have access to the basics of a quality education: instructional materials, safe and
8 clean school facilities, and quality teachers. The Legislature also adopted an administrative
9 process that enables community members (including families, students, and teachers) to enforce
10 the legislative mandate by filing administrative complaints with the school district. (“*Williams*
11 *complaints*”). (See Ed. Code, § 35186.) The Education Code imposes a mandatory duty for
12 school districts to respond to and remedy valid *Williams* complaints. Pursuant to section 35186, a
13 district (a) “*shall remedy*” the complaint within 30 working days, and (b) “*shall report*” the
14 resolution to the complainant within 45 working days. (Ed. Code, § 35186(b).)

15 3. West Contra Costa Unified School District (“WCCUSD” or “the District”) and
16 affiliated administrators have failed to fulfill these mandatory duties in response to dozens of
17 *Williams* complaints filed by Petitioners, identifying serious deficiencies at schools throughout the
18 District.

19 4. Stege Elementary School has languished in a state of dangerous disrepair for the
20 last five years. Mold-infested classrooms. Opaque windows that won’t open. Classroom
21 temperatures exceeding 90 degrees with no ventilation. Broken floor tiles. The President of the
22 WCCUSD Board of Education acknowledged the problem, calling it “heartbreaking.” The
23 *Williams* statute requires school districts to address complaints regarding conditions precisely like
24 those at Stege. (See Ed. Code, § 35186(a).) Yet, in response to *Williams* complaints about the
25 conditions at Stege, the District has failed to provide a substantive response, much less remedy the
26 problems. (Ed. Code, § 35186(b).) The District’s failure to remedy the facilities complaints and
27 report the resolution to complainants is a clear violation of its duties under section 35186.

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1 5. The District’s ongoing failure to fill teacher vacancies with qualified, dedicated
2 teachers also violates express requirements of California law. In three schools within
3 WCCUSD—Stege Elementary School, Helms Middle School, and Kennedy High School—
4 administrators have relied on “rolling subs,” unauthorized long-term substitutes, or the daily
5 shifting of teachers from other classrooms to teach core classes for which no permanent teacher is
6 assigned. This is a crisis situation. WCCUSD faces more teacher vacancies than its neighboring
7 districts and continuously underperforms in retaining fully prepared and properly assigned
8 teachers. (See California Department of Education, *2022-23 Teaching Assignment Monitoring*
9 *Outcomes by Full-Time Equivalent (FTE) Contra Costa County Report*, DataQuest
10 <<https://tinyurl.com/5cwrzkcm>> [as of July 18, 2024].)

11 6. Quality teachers are the leading school-related factor contributing to a student’s
12 success. That is no surprise: a single, dedicated, year-long teacher in the classroom provides
13 consistency and stability, allows students to build a relationship of trust, and permits continuity of
14 instruction, all of which are especially critical for low-income students, students of color, and
15 English learners.

16 7. Petitioners have filed valid *Williams* complaints regarding the teacher vacancies at
17 these three schools. The District provided written responses to complainants, but it has not
18 “reported” any resolution of the complaint as required. (Ed. Code, § 35186(b).) Instead, the
19 District has repeatedly indicated that it will not take lawful action to attempt to remedy the
20 problem. In fact, in its responses, the District *conceded* the unlawful status of the vacancies but
21 claimed that it is powerless to resolve the issue, citing an ongoing statewide teacher
22 shortage. There is no excuse for the District’s failure to act. The Legislature has specified
23 numerous ways for school districts to fill teacher vacancies in the event of a teacher shortage,
24 including specially assigning fully certified teachers of other subjects to vacant classes, utilizing
25 emergency-style teaching permits, or exercising an exemption to hire retired teachers. The
26 District has refused to adopt any of these solutions. Likewise, the District has failed to pursue
27 other ways to remediate the teaching vacancies, such as re-assigning fully certified staff from the
28

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1 district office. By failing to take necessary steps to remedy the vacancies identified in Petitioners'
2 *Williams* complaints, the District has violated its mandatory duty under section 35186.

3 8. The District's failure to resolve these issues—both the facilities conditions and the
4 teacher vacancies—has especially negative impacts on the particular schools affected. Stege
5 Elementary School, Helms Middle School, and Kennedy High School, serve some of the highest-
6 need student populations in the District, with poverty rates ranging from 84 to 97
7 percent. Absenteeism and disciplinary issues are common, particularly for African American
8 students. Performance in core subjects, English and Math, is lower than the District and State
9 averages. And at Kennedy High School, graduation rates are significantly below average (66
10 percent compared to 84 percent). By failing to address Petitioners' complaints, the District has
11 neglected these schools and their students.

12 9. Because WCCUSD and affiliated officials refuse to comply with their duty
13 to address Petitioners' *Williams* complaints, Petitioners have no choice but to seek relief from the
14 Court. Petitioners and their counsel do not take this step lightly. As one of the lead counsel in
15 filing and settling the *Williams* litigation in 2004, and having worked to enforce its strictures for
16 the last two decades, Public Advocates has never had to ask a court to compel a district to follow
17 its *Williams* duties. But the District's blatant disregard of its statutory mandate necessitates
18 judicial intervention. Accordingly, Petitioners file this petition for a writ of mandate and
19 complaint for declaratory and injunctive relief (the "Petition"), to compel WCCUSD to
20 substantively respond to and remedy the *Williams* complaints at issue in this Petition. Petitioners
21 also bring claims for injunctive and declaratory relief compelling Respondents to comply with
22 their duties under section 35186.

23 **PARTIES**

24 10. Petitioner and Plaintiff **Sam Cleare** was an educator at Stege from 2017 until
25 2024. In 2023, she led advocacy efforts to address the dire facility issues at Stege. Unfortunately
26 Petitioner Cleare took a leave of absence because of her concerns about the conditions at the
27 school. Although she will not be an educator at Stege next school year, Petitioner Cleare is
28

1 committed to advocating for the adequate facilities and teachers that Stege students are entitled to
2 receive. Petitioner Cleare is beneficially interested pursuant to Code of Civil Procedure section
3 1086, as one of the complainants who filed a *Williams* complaint on January 31, 2024 to address
4 teacher vacancies at Stege, and as one of the directly impacted citizens who organized
5 the *Williams* complaint filing in June 2023 on behalf of 45 other teachers, students, and parents to
6 address the facility conditions at Stege.

7 11. Petitioner and Plaintiff **Sarah Kincaid** was, until recently, a third-grade teacher at
8 Stege. She is one of the 45 complainants who submitted a *Williams* complaint last year to address
9 the hazardous facilities at Stege, and she taught in one of the classrooms with the hottest
10 temperatures at the school site. Petitioner Kincaid has taken on extra students in her class at
11 various times throughout the 2023-24 school year to cover vacancies. After three years working at
12 Stege, Petitioner Kincaid will be transferring to another school site in the district due to Stege's
13 substandard working conditions, which took a toll on her mental and emotional health. Petitioner
14 Kincaid is beneficially interested pursuant to Code of Civil Procedure section 1086, as a
15 complainant who filed a *Williams* complaint in June 2023 to address facility conditions, and is a
16 citizen and taxpayer who has been directly impacted by the teacher vacancies at Stege.

17 12. Petitioner and Plaintiff **Jeremiah Romm** grew up in the WCCUSD community and
18 has been an educator at Helms for 16 years. He teaches History and English, and he plays a vital
19 role in providing support to English learner students inside and outside of the classroom. Due to
20 the additional stress the teaching vacancies at Helms have caused, Petitioner Romm planned to
21 leave the district and take a teaching job elsewhere. However, he will be returning to Helms for at
22 least one more year and will continue to advocate for his students. Petitioner Romm is
23 beneficially interested pursuant to Code of Civil Procedure section 1086, as a complainant who
24 filed a *Williams* complaints to address teacher vacancies at Helms on January 31, 2024.

25 13. Petitioner and Plaintiff **Hilda Cristina Huerta** has been an educator at Kennedy
26 for 10 years. She played an instrumental role in the development of the Spanish Speaker Program
27 at Kennedy and continues to provide essential support to multilingual students. Petitioner Huerta
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1 is beneficially interested pursuant to Code of Civil Procedure section 1086, as a complainant that
2 filed a *Williams* complaints to address teacher vacancies at Kennedy on January 31, 2024.

3 14. Petitioner and Plaintiff **Jetaun Thompson** is a concerned parent, employee, and
4 alumna of Stege. She works as a Yard Supervisor who is often called on to provide support to
5 teachers, administrators, and classified staff, due to severe staffing shortages. Petitioner
6 Thompson attempted to remove her son from the school on multiple occasions due to the
7 vacancies. The teachers covering Petitioner Thompson’s child’s class are often substitutes who
8 are unprepared to provide meaningful instruction. Petitioner Thompson has been directly
9 impacted by the facility and vacancy issues at Stege within her personal and professional
10 capacities. She is joining this Petition to enforce a public duty as a citizen and taxpayer of
11 California. Thus, Petitioner Thompson is a beneficially interested party and has standing to bring
12 this Petition. (Code Civ. Proc., § 1086.)

13 15. Respondent and Defendant **WCCUSD** is a public entity situated in Contra Costa
14 County that has the legal responsibility, under federal and state law, to provide its students with
15 equitable access to a quality education. Respondent WCCUSD must ensure that all students
16 within WCCUSD have access to sufficient textbooks and instructional materials, safe and healthy
17 schools that are in good repair, and qualified, permanent teachers. Respondent WCCUSD also has
18 an obligation to provide a functional complaint process to enforce these rights.

19 16. Respondent and Defendant **Kenneth Chris Hurst**, sued here solely in his official
20 capacity, is the WCCUSD Superintendent. He is a public officer of the District and is charged
21 with the management and supervision of WCCUSD. Respondent Hurst serves as the chief
22 executive officer of WCCUSD’s governing board, assigns all district employees in positions
23 requiring certification qualifications, transfers teachers to different schools when in the interest of
24 the school district, and performs other duties imposed upon him pursuant to California Education
25 Code section 35035. In his capacity as Superintendent, Respondent Hurst “shall make all
26 reasonable efforts to investigate any problems within [his] authority,” remedy valid *Williams*

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1 complaints, and report to the complainants the resolution of the complaint within the statutorily
2 required timelines. (Ed. Code, § 35186(b).)

3 17. Respondent and Defendant **WCCUSD Board of Education** and its members,
4 Respondents and Defendants **President Jamela Smith-Folds, Clerk Demetrio Gonzalez Hoy,**
5 **Trustee Otheree Christian, Trustee Mister Phillips, and Trustee Leslie Reckler**, sued here in
6 their official capacities as elected public officers, are responsible for providing leadership and
7 oversight to the District. These Respondents must establish the organizational structure of the
8 District, employ and supervise the Superintendent, set policy for hiring other personnel, establish
9 budget priorities and adopt the budget, monitor the effectiveness of policies and programs in place,
10 and provide safe and adequate facilities that support the District’s instructional program.

11 JURISDICTION AND VENUE

12 18. This Court has jurisdiction under California Code of Civil Procedure sections 526,
13 1060, and 1085.

14 19. Because this Petition is brought against a public entity and public officers, situated
15 in Contra Costa County, and all of the acts and omissions complained of took place in Contra
16 Costa County, venue is proper in this Court pursuant to California Code of Civil Procedure
17 sections 393, 394, and 395.

18 20. Petitioners have a clear, present, and beneficial right to the performance of the
19 mandatory duty set forth in California Education Code section 35186 to “remedy” and “report”
20 resolution of valid *Williams* complaints.

21 21. Petitioners have exhausted all available administrative remedies. To the extent
22 engaging in further administrative procedures with Respondents is possible, such steps would be
23 futile, are premature, and/or are unnecessary.

24 22. Petitioners have no “plain, speedy, and adequate remedy, in the ordinary course of
25 law.” (Code Civ. Proc., § 1086.)

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1 **FACTUAL ALLEGATIONS**

2 **A. Stege Williams Complaints Regarding Unsafe and Unhealthy Facilities**

3 **1. The District Did Not Respond to Valid Complaints Regarding Facilities**

4 23. In June 2023, Petitioner Sam Cleare submitted *Williams* complaints on behalf of 45
5 parents, students, and teachers, including a complaint signed by Petitioner Sarah Kincaid. (See
6 Exhibit 1.) The 45 complaints allege that the condition of Stege’s facilities pose an urgent threat
7 to the health and safety of students and staff, pursuant to California Education Code section
8 35186(c). The complaints detail issues of opaque, broken windows that do not open to permit
9 ventilation or emergency egress, classrooms with no ventilation reaching temperatures over 90
10 degrees, mold infested walls, and broken floor tiles. (See, e.g., *id.* at 7, 14, 20, 35, 38-39, 41, 62-
11 63, 169.)

12 24. These complaints were valid under California Education Code section
13 35186(a). The complainants specified the location as Stege, notified the principal of the
14 complaints and filed them with the Executive Director assigned to the school site.

15 25. WCCUSD failed to provide responses to any of the complaints, much less within
16 the statutorily required 45-day timeline. A full school year and over 250 working days after the
17 initial filing, complainants have still not received substantive responses to their complaints, and
18 the urgent facility issues remain unresolved. After Petitioners’ counsel informed the District
19 several times about WCCUSD’s legal obligations, the District provided a non-substantive blanket
20 letter to all complainants. That letter, dated December 14, 2023, acknowledged the complaints,
21 cited to a nonexistent section of the Education Code, claimed the District had no duty to respond
22 within the statutory 45-day timeline, and promised to provide a substantive response with an
23 update by January 12, 2024. (Exhibit 2.)

24 26. No substantive response ever came. Despite taking no action to remedy or respond
25 to Petitioners’ complaints, WCCUSD officials have repeatedly acknowledged the dangerous
26 conditions at Stege. For example, Respondent President of the WCCUSD Board of Education
27 (“BOE”), Jamela Smith-Folds, visited Stege in September 2022 and reported the “heartbreaking”
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1 conditions to Respondent Superintendent Hurst, and another WCCUSD board member, Otheree
2 Christian. (Exhibit 3.) BOE President Smith-Folds described the school as “dirty,” in need of a
3 “power wash,” and having “dangerous windows.” (*Ibid.*) She requested a board discussion
4 specifically about Stege, stating “we don’t have the money to rebuild [Stege] but that doesn’t
5 mean we don’t owe them quality and safe facilities.” (*Ibid.*)

6 27. For over seven years, the District has debated a “Long Range Facilities Master
7 Plan” that would demolish Building 1 of Stege and move all students permanently into portable
8 facilities, because the District claims that it cannot afford to rebuild the school. (Exhibit 4.) In
9 November 2023, the BOE approved a \$43 million budget to cover the cost of implementing the
10 facilities plan. (Exhibit 5.) But new portable facilities have not been constructed, and the District
11 is once again planning to hold classes at Stege this upcoming school year despite its unsafe
12 conditions—including the presence of *lead* in at least two classrooms, which was discovered after
13 the *Williams* complaints were filed. Even if the District could resort to erecting permanent
14 portable buildings rather than fixing the facilities conditions that exist, the District is not absolved
15 of its immediate responsibility to remedy unsafe conditions in the building that students will be
16 forced to use this academic year.

17 28. Despite the District’s long-standing recognition of the unsafe facilities at Stege,
18 and the 45 complaints that Petitioners filed over a year ago, the concerns raised in the complaints
19 have not been remedied and no response has been provided. Respondents’ failure to provide a
20 response to the complaints inhibited complainants from seeking further review. Under the
21 Education Code, complainants alleging emergency or urgent facility threats who are not satisfied
22 with the district’s resolution have the right to file an appeal with the California Department of
23 Education. (See Ed. Code, § 35186(c).) Because the District never formally responded to any of
24 the complaints regarding the facilities conditions, complainants were prevented from exercising
25 their rights to file that appeal.

1 **2. The District Failed to Report Quarterly Data on the Facilities**
2 **Complaints**

3 29. Under the *Williams* statute, districts “shall report summarized data on the nature
4 and resolution of all [administrative] complaints on a quarterly basis to the County Superintendent
5 of Schools and the governing board of the school district.” (Ed. Code, § 35186(e).) This
6 requirement provides the opportunity for a board discussion on the deficiencies at a public
7 meeting, and ensures governing board and County Office of Education oversight on how the
8 district is resolving *Williams* complaints.

9 30. WCCUSD failed to report any of the 45 *Williams* complaints submitted in June
10 2023 in the District’s Q4 *Williams* Lawsuit Complaints quarterly report, which was agendized at
11 the governing board meeting on July 12, 2023. (Exhibit 6.) The Q4 report should have listed all
12 complaints received between April 1, 2023 through June 30, 2023, yet it falsely states that the
13 District received a total of “0” complaints during that time period. The District therefore failed to
14 comply with its mandatory duty to report data on the *Williams* complaints to the governing school
15 board.

16 **B. Williams Complaints Regarding Teacher Vacancies**

17 **1. Petitioners' Complaints and the District’s Responses**

18 31. Petitioners Sam Cleare, Jeremiah Romm, and Cristina Huerta timely filed *Williams*
19 complaints on January 31, 2024, to address a total of 12 vacancies at Stege Elementary School,
20 Helms Middle School, and Kennedy High School. (Exhibit 7.) These vacancies impacted
21 students from Kindergarten to 12th Grade across a wide variety of subjects. At Stege, there were
22 no designated permanent teachers assigned to a Kindergarten class, a second and third grade
23 combination class, a third grade class, and a fourth grade class. At Helms, there were no
24 designated permanent teachers assigned to an eighth grade Science class, an eighth grade Math
25 class, a seventh/eighth grade Newcomers Math class, and an eighth grade English class. At
26 Kennedy, there were no designated permanent teachers assigned to a multi-grade English
27 Language Development class, a 12th grade Expository Reading and Writing class, a Physical
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1 Education Class, and two periods of Music classes. (Id.) Nearly all of these vacancies existed
2 from September 2023 until the end of the school year.

3 32. Petitioners' complaints regarding these vacancies were valid under California
4 Education Code section 35186(a). The complaints detailed with specificity the location of each
5 vacancy, the number of vacancies at each location, the positions including grade and period where
6 vacancies exist, how long the vacancies have existed, and how Respondents have been covering
7 the vacancies. Petitioners filed the complaints with each school's principal, the District
8 Superintendent, and WCCUSD's BOE. Thus, the complaints filed on January 31, 2024 are within
9 the jurisdiction of the *Williams* process and precisely followed the required procedures.

10 33. Respondents replied to the January 31, 2024 complaints on April 10, 2024. The
11 District *conceded* that the complaints were valid and that all of the identified unlawful vacancies
12 exist. (Exhibit 8 at 3[“The District acknowledges it is out of compliance[.]”].) But rather than
13 explain how Respondents had remedied the valid complaints or were working to remedy them, the
14 District indicated that it would continue relying upon substitutes working beyond their
15 authorization because the District was simply “unable to fill these vacancies with permanent
16 teachers.” (*Ibid.*)

17 34. Throughout the 2023-2024 school year, Respondents illegally “covered” all 12
18 vacancies with unauthorized long-term substitutes, “rolling” short-term substitutes, and school site
19 teachers covering on a daily basis in addition to their own classes. The Legislature has specified
20 that substitute teachers are authorized to work only under 30- or 60-day authorizations. (See Cal.
21 Code Regs., Tit. 5, § 80025.) Ignoring that statutory limitation, the District sometimes assigned a
22 substitute teacher to a classroom for the entire school year. In California, substitute teachers are
23 not qualified teachers; they are only required to pass a basic skills test, hold a B.A. degree, and
24 pass a fingerprinting requirement. (Commission on Teacher Credentialing, *Emergency 30-Day*
25 *Substitute Teaching Permit (CL-505p)* (Dec. 2016)
26 <[https://www.ctc.ca.gov/credentials/leaflets/30-Day-Substitute-Teaching-Permit-\(CL-505p\)](https://www.ctc.ca.gov/credentials/leaflets/30-Day-Substitute-Teaching-Permit-(CL-505p))> [as
27 of July 19, 2024].) They are not required to possess and, as such, typically lack both the subject

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1 matter knowledge and the pedagogical knowledge needed to teach in elementary and secondary
2 classes. Substitutes did not follow curricula or assign homework as a dedicated year-long
3 educator would have, and students in those classrooms were denied the stability and consistency
4 that a permanent qualified teacher provides. (Exhibit 7.)

5 35. Respondents continued this illegal practice after the January 31, 2024 complaints,
6 and show no sign of taking lawful steps to address the vacancies going forward. The District’s
7 practice of relying on inexperienced and unauthorized long-term substitutes and day-to-day rolling
8 substitutes has a tangible impact on student outcomes in the classroom. Education scholars have
9 concluded that teacher inexperience, compounded with the instability caused by high turnover,
10 “negatively impact[s] student learning” and places students at an educational
11 disadvantage. (Desiree Carver-Thomas and Linda Darling-Hammond, *Teacher Turnover: Why it*
12 *Matters and What We Can Do About It* (Aug. 2017) Learning Policy Institute
13 <<https://tinyurl.com/5n998mz3>> [as of July 18, 2024].)

14 36. For example, WCCUSD’s failure to address widespread vacancies at Kennedy
15 High resulted in chronic student absences. Students at Kennedy were not motivated to attend
16 classes where they knew teachers would not be present, or where there were only unfamiliar or
17 temporary substitute teachers. Towards the end of the 2023-2024 school year, some students at
18 Kennedy were uncertain if they would receive grades for their classes because there were no
19 permanent teachers assigned to grade them.

20 37. By failing to resolve any of the vacancies, hundreds of students attending Stege,
21 Helms, and Kennedy unlawfully experienced an entire school year without permanent teachers in
22 their classrooms. Many of those students did not benefit from a coherent curriculum or regular
23 homework assignments. At Helms Middle School, no homework was assigned in some classes for
24 multiple months. At Stege Elementary School, some students in the fourth grade received their
25 first homework assignment in February 2024. Students at Stege were consistently passed back
26 and forth between classes based on which teacher had the capacity to take on extra students that
27 day. While Respondents have claimed that substitute teachers’ ability to teach curricula and
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1 combination classes that exceed maximum class size ratios are not issues subject to the *Williams*
2 complaint process, those issues are the direct result of the District's failure to provide students
3 with the stability of qualified, permanent teachers in each classroom.

4 **2. Duty to Pursue Legal Authorizations or Alternative Options to Fill**
5 **Vacancies with Permanent Teachers**

6 38. The Education Code makes clear Respondents' mandatory duty to fill each
7 classroom established by the District with a permanent teacher, Ed. Code, § 35186(h)(3), who is
8 lawfully authorized for the year. (See Ed. Code § 44830(a) [district "shall employ for positions
9 requiring certification qualifications, only persons who possess the qualifications for those
10 positions prescribed by law."].)

11 39. Respondents cannot satisfy their duty to remedy Petitioners' complaints through
12 inaction or illegal solutions. Respondents have available any number of lawful actions to remedy
13 the vacancies, including transferring fully credentialed district staff from the central office,
14 bringing fully credential teachers out of retirement for the year, undertaking one of several
15 possible "local assignment options," or expanding their supply of district or university interns. If
16 such actions still prove insufficient, there are several *legal* options available for a school district to
17 address vacancies. (Exhibit 12.) The District has a mandatory obligation to try at least one of
18 these options.

19 40. The State priority is to have "fully prepared" teachers with the required certification
20 qualifications assigned to every public school classroom in California. (See Ed. Code,
21 § 44225.7.) Thus, when a vacancy arises, a district must first attempt to find a fully prepared
22 teacher to permanently fill the position. (Ed. Code, § 44225.7(a).) If a district is unable to do so,
23 other options are available to ensure that fully prepared teachers are covering the vacancies.

24 41. **Retired Teachers.** The District could hire teachers out of retirement to fill these
25 vacancies. Currently, none of the vacancies at Stege, Helms, or Kennedy have been filled with a
26 retired teacher. (Exhibit 8.) Respondents have asserted that they cannot assign retired teachers to
27 a vacancy for a full year without unduly limiting their CalSTRS retirement benefits. That is
28 incorrect. To assist in alleviating teacher shortages, and incentivize retired teachers to fill

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1 critically needed vacancies, legislators recently enacted Senate Bill 765. (See Ed. Code, § 24214;
2 Postretirement Earnings Limitations, Cal. Sen. Bill No. 765, Ch. 885 (2023).) Through that law,
3 districts can recruit retired teachers to return to the classroom with a higher postretirement
4 earnings limitation. Section 24214 increases the annual postretirement earnings limit from around
5 \$50,000 to nearly \$75,000, so retired teachers can earn a higher amount before having their
6 CalSTRS benefits impacted. (Ed. Code, § 24214(f)(i); Melissa Jones-Ferguson, *Law temporarily*
7 *changes rules for CalSTRS retirees returning to work* (June 20, 2024) Pension Sense Blog
8 <<https://www.calstrs.com/law-temporarily-changes-rules-for-calstrs-retirees-returning-to-work>>
9 [as of July 19, 2024].)

10 42. **Reassignment Options.** The District can attempt to re-assign fully prepared
11 teachers from administrative and district offices. This is a viable interim measure. Indeed,
12 WCCUSD utilized this method at the beginning of the 2022-2023 school year by assigning
13 administrators from the Family and Community Engagement Office to cover vacancies until a
14 fully prepared teacher was retained.

15 43. **Local Assignment Options.** The District can also fill vacancies with a number of
16 possible “Local Assignment Options” pursuant to California Education Code section
17 44258.3. These options provide a district with various ways to authorize teachers—generally
18 those who are fully credentialed in a certain subject matter area—to teach for a whole year in a
19 given classroom. Among such options are Teachers on Special Assignment (“TOSAs”), who take
20 on specialized roles which could include filling a vacancy in a classroom as a permanent teacher
21 for a year. Respondents have not utilized any local assignment option to resolve any of the
22 vacancies addressed in the January 31, 2024 complaints. (Exhibit 8.)

23 44. **Interns.** The District may also fill a vacancy with so-called “university interns,”
24 who are authorized to teach while enrolled in courses to obtain their full teaching credentials, or
25 “district interns,” who are similarly teaching while pursuing their full credentials through district
26 internship programs. (Ed. Code, §§ 44452, 44325.) Although not fully credentialed yet, these
27 authorizations are valid for two to three years, with options for a one year extension if the
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1 individual needs more time to complete the program due to hardship (university intern), or to
2 complete professional development and experience requirements (district intern). (Ed. Code,
3 §§ 44453(a), 44455, 44225.7(a).) Respondents have established district and university intern
4 programs; yet, they have not covered any of the vacancies at issue with a lawfully authorized
5 intern and there is no indication that the District plans to assign interns to the ongoing vacancies at
6 Stege, Helms, and Kennedy in the new school year. (Exhibit 9.)

7 **45. Emergency-Style Teaching Permits.** The District can obtain short-term,
8 emergency-style teaching permits to fill a vacancy for up to one year, after the District has made
9 reasonable efforts to recruit a fully prepared teacher. (Cal. Code Regs., Tit. 5, §§ 80021, 80022,
10 80021.1.) One emergency teaching permit is for Teachers on Short-Term Staffing Permits
11 (“STSPs”), who must possess a baccalaureate degree or higher, satisfy the basic skills requirement
12 and successfully complete the appropriate course work toward the permit type requested (i.e.
13 single subject, multiple subject, bilingual authorizations). A Teaching Permit for Statutory Leave
14 (“TPSL”) is another long-term option that allows teachers to substitute for another teacher who is
15 on a specified type of statutory leave (i.e. medical, military, administrative), but is still the
16 designated teacher assigned to the class. (Cal. Code. Regs., Tit. 5, § 80022.) This permit is valid
17 for one year, allowing the replacement teacher (who must have greater qualifications than mere 30
18 or 60-day substitute teachers) to cover an individual vacancy and provide students the stability
19 they are entitled to. Alternatively, Provisional Internship Permits (“PIPs”) are available to
20 individuals who have not yet fully met the subject matter competence required to enter an intern
21 program, but are suitable to fill a vacancy for up to one year of coverage. (Cal. Code. Regs., Tit.
22 5, § 80021.1.) Respondents failed to show any attempt to utilize one or more of these lawful
23 emergency-style permits to address the vacancies at Stege, Helms, and Kennedy.

24 **46. Waivers.** As a last resort, the District may request a waiver from the state to assign
25 an individual who does not otherwise meet certification requirements in order to address
26 unanticipated, immediate, and short term needs. (Ed. Code, § 44225(m)(1).) Short-term waivers
27 are only issued for one year and may only be issued once for an individual and for a given
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1 class. Variable-term waivers are generally issued for one year or less, but may be issued for
2 longer periods depending on certain exceptions and until a fully prepared teacher is retained.
3 (*Waiver Requests Guidebook for Employers* (rev. ed. 2024) Commission on Teacher Credentialing
4 Ensuring Teacher Quality <[https://www.ctc.ca.gov/docs/default-source/credentials/manuals-
5 handbooks/waiverhandbook.pdf?sfvrsn=0](https://www.ctc.ca.gov/docs/default-source/credentials/manuals-handbooks/waiverhandbook.pdf?sfvrsn=0)> [as of July 19, 2024].) The District has made no
6 attempt to obtain any waivers to lawfully extend the authorization time for the substitute teachers
7 covering the vacancies. (Exhibit 8.) Nor did the District offer any explanation for its refusal to do
8 so. Even though waivers are the least desirable option, they are legally sanctioned, unlike the
9 District’s current practices. The waiver system requires the District to demonstrate to state
10 authorities that (1) the District has no other viable option for the assignment and (2) the individual
11 in question is worthy of a waiver based on their qualifications. The waiver system also prevents a
12 district from doing what the District is doing—unregulated, long-term reliance on substitutes
13 regardless of how unqualified they might be.

14 47. The District claims that it has tried to hire teachers by posting on job boards and
15 social media platforms, and that it is cultivating pathways to recruit new teachers through
16 residency programs. (*Ibid.*) But the District’s statutory mandate is not just to “try hard” to recruit
17 teachers; it is to actually provide every student with a permanent, qualified teacher. If recruitment
18 efforts fail, due to a teacher shortage or for any other reason, the Legislature has not authorized the
19 District to resort to a stream of unqualified and unauthorized substitute teachers. The District has
20 not utilized a single lawful option to try to address the vacancies at issue in Petitioners’ *Williams*
21 complaints. The District has thus evaded its responsibility to assign permanent, properly qualified
22 teachers to each classroom.

23 **3. Petitioners’ Efforts to Resolve this Issue Cooperatively Have Failed.**

24 48. In an effort to cooperate with Respondents and support their staff in resolving the
25 vacancies, Petitioners submitted an appeal to the WCCUSD BOE on April 18, 2024, offering
26 additional time to cure their response. Respondents failed to do so. (Exhibit 10.) WCCUSD
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1 responded to the appeal a week late, claiming that it had considered but cannot utilize any of the
2 recommended legal emergency measures. (Exhibit 9.)

3 49. Additionally, Petitioners requested a meeting with the District on April 18, 2024 to
4 discuss Respondents' inadequate response and how to properly remedy the vacancies. Despite
5 multiple attempts, a meeting could not be scheduled with WCCUSD Human Resources
6 representatives until two months later, on June 18, 2024, after the school year ended. In this
7 meeting, the District's HR representatives said they would continue to use long-term substitutes
8 whose authorizations have expired to cover vacancies. The District did not commit to taking any
9 additional steps to address the vacancies at Stege, Helms, and Kennedy, nor did it share any plans
10 to ensure the vacancies are filled in the 2024-2025 school year.

11 50. Despite multiple opportunities, Respondents have ignored their duty to fill each
12 vacancy with lawful, permanent teachers. They have no plan to discontinue the illegal use of
13 rolling or long-term substitutes beyond their authorization periods. Given the ongoing teacher
14 shortage that the District cites as its reason for inaction, it is highly probable that vacancies will
15 persist in the near future until the District takes advantage of lawful pathways to remedy the
16 problem. Absent judicial intervention, hundreds of students will continue to lack a permanent
17 dedicated teacher in the next school year, violating a bedrock tenet of the *Williams* legislation.

18 **FIRST COUNT**

19 **Traditional Mandamus (Code Civ. Proc., § 1085)**

20 **Failure to Resolve and Respond to Facility Complaints**

21 51. Petitioners reallege and incorporate herein each and every allegation contained in
22 the preceding paragraphs in this Petition and Complaint.

23 52. Respondents have a clear, present mandatory duty to comply with California
24 Education Code section 35186, when resolving and responding to valid *Williams* complaints. This
25 duty is ministerial. There is no discretionary language within the code section that permits school
26 districts to ignore or choose which complaints to investigate, resolve, and respond to. The statute
27 at issue clearly defines the specific duties or course of conduct that a governing body must take,
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1 thus eliminating any element of discretion, constituting ministerial writ-eligible acts. The
2 language of California Education Code section 35186 unequivocally imposes a mandatory duty to
3 promptly follow the procedural regulations to remedy valid *Williams* complaints regarding
4 “emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or
5 staff” within a 30 day timeline, and respond to complainants with the resolution of the complaints
6 within 45 days from filing. (Ed. Code, § 35186(a)(b).)

7 53. Respondents have proven to be capable of remedying similar facility conditions at
8 Stege in the past within a 30-day timeline, including loose and missing tiles, mildewed windows,
9 and moldy floors. (Exhibit 11.) The District has acknowledged that funds exist to remedy the
10 complaints, as the WCCUSD Governing Board approved increasing the Stege Elementary School
11 Modernization Project Budget to \$43,000,000 in the November 8, 2023 board meeting. (Exhibit
12 5.) Respondents are and have been capable of performing their mandatory duty to resolve the
13 valid *Williams* facility complaints since June 2023, and of responding to the complainants within
14 the 45-day timeline, which they have failed to do. Respondents also had a duty to report the
15 facilities complaints to the governing board in their Q4 quarterly report, which they failed to do.

16 54. In the alternative, the foregoing allegations also constitute an abuse of discretion of
17 Respondents’ discretionary duties under section 35186. To the extent Respondents have any
18 discretion to remedy the facilities at Stege, or to respond to Petitioners within the statutorily
19 prescribed timeline, Respondents have abused that discretion by failing to act.

20 55. Petitioners are beneficially interested in the issuance of a writ to resolve and
21 respond to facilities complaints at Stege. Petitioners are all citizens of California and have or may
22 pay taxes within Contra Costa County. Petitioners are “interested as . . . citizen[s] in having the
23 laws executed and the duty in question enforced.” (*Save the Plastic Bag Coal. v. City of*
24 *Manhattan Beach* (2011) 52 Cal.4th 155, 166.)

25 56. No other plain, speedy, or adequate remedy is available to Petitioners in the
26 ordinary course of law.

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1 57. Petitioners are, accordingly, entitled under section 1085 of the California Code of
2 Civil Procedure, to a writ of mandamus that compels Respondents to perform their duty to resolve
3 and respond to any and all valid *Williams* complaints submitted in June 2023 regarding the unsafe
4 and unhealthy facility conditions at Stege.

5 **SECOND COUNT**

6 **Traditional Mandamus (Code Civ. Proc., § 1085)**

7 **Failure to Resolve and Adequately Respond to Teacher Vacancy Complaints**

8 58. Petitioners reallege and incorporate herein each and every allegation contained in
9 the preceding paragraphs in this Petition and Complaint.

10 59. Under California Education Code section 35186, all school districts “shall remedy”
11 any deficiencies related to teacher vacancies, i.e., classrooms where no permanent teacher is
12 assigned for the year (or semester for semester classes), within a “reasonable time period not to
13 exceed 30 working days from the date the complaint was received.” (Ed. Code, § 35186(a)(b).)
14 The statute clearly sets forth a mandatory duty to resolve any deficiencies in teacher vacancies
15 within the 30-day timeline, and report to the complainant the resolution of the complaint within
16 45- working days of the initial filing.” (Ed. Code, § 35186(b).) Further, when hiring for
17 permanent positions, school districts “shall employ for positions requiring certification
18 qualifications, only persons who possess the qualifications for those positions prescribed by law.”
19 (Ed. Code, § 44830(a).) These duties are ministerial in nature.

20 60. Respondents have failed in their ministerial duty to remedy all valid *Williams*
21 complaints with a lawfully authorized, permanent teacher for the year, within 30 days, and report
22 the resolution to the complainants within 45 days. Even if a fully qualified teacher cannot be
23 found for a vacancy, WCCUSD is required to comply with one of the many lawful non-emergency
24 or emergency options that the Legislature has made available to it. The District does not have
25 discretion to ignore its duty to assign lawful teachers to WCCUSD classrooms by using
26 unauthorized long-term substitutes or day-to-day substitutes.

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1 61. In the alternative, the foregoing allegations also constitute an abuse of discretion.
2 To the extent Respondents have any discretion to decline to “remedy” the *Williams* complaints
3 regarding teacher vacancies within the statutory timeline, Respondents have abused that discretion
4 by failing to take advantage of any lawful option for filling teacher vacancies. Their refusal to
5 engage in any of the legislatively approved avenues, or any other alternative, to fill teacher
6 vacancies was arbitrary, capricious, and wholly without any basis.

7 62. Respondents are fully capable of fulfilling their duty to remedy the vacancies with
8 one of the several legal options the Legislature has provided and that Respondents have at their
9 disposal.

10 63. Petitioners are beneficially interested in the issuance of a writ to remedy the teacher
11 vacancy complaints. Petitioners are all citizens of California and have or may pay taxes within
12 Contra Costa County. Petitioners are “interested as . . . citizen[s] in having the laws executed and
13 the duty in question enforced.” (*Save the Plastic Bag Coal. v. City of Manhattan Beach* (2011) 52
14 Cal.4th 155, 166.)

15 64. No other plain, speedy, or adequate remedy is available to Petitioners in the
16 ordinary course of law.

17 65. Petitioners are, accordingly, entitled under section 1085 of the Code of Civil
18 Procedure, to a writ of mandamus that compels Respondents to perform their duty to resolve and
19 respond to any and all valid teacher vacancies at Stege, Helms and Kennedy schools, both those
20 identified in the January 2024 complaints, and those arising in the coming year as a result of
21 Respondents’ ongoing policies and practices of failing to lawfully remedy teacher vacancies.

22 66. Moreover, Petitioners are entitled under section 1085 of the Code of Civil
23 Procedure, to a writ of mandamus that compels Respondents to cease and desist from their
24 unlawful practice of assigning 30 and 60-day substitutes to teach in classes beyond their legally
25 authorized period.

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1 **THIRD COUNT**

2 **Declaratory Relief (Code Civ. Proc., § 1060)**

3 67. Petitioners reallege and incorporate herein each and every allegation contained in
4 the preceding paragraphs in this Petition and Complaint.

5 68. Petitioners are interested in ensuring that the accountability tools afforded to all
6 WCCUSD residents interested in public education under California Education Code section 35186
7 are faithfully upheld and that, as concerns teacher assignments, only lawful assignments are made.
8 Moreover, Respondents have outright denied Petitioners and students at Stege, Helms, and
9 Kennedy, their right to clean and safe schools with permanent qualified teachers. Petitioners thus
10 seek a judicial declaration that Respondents have violated these mandatory statutory provisions.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioners pray as follows:

13 69. That this Court issue a writ of mandate commanding Respondents to do the
14 following:

- 15 a. Provide a written report to the Court, Petitioners, and all complainants that filed a
16 *Williams* complaint in June 2023 of WCCUSD’s resolution of the facility issues at
17 Stege, including the resolution of the valid deficiencies addressed in each
18 complaint;
- 19 b. Provide a proper written report to the Court and Petitioners of WCCUSD’s
20 resolution of the teacher vacancies at Stege, Helms, and Kennedy that complies
21 with California Education Code sections 35186, 44380 and applicable state
22 certification laws;
- 23 c. Take all necessary steps to fill each vacancy identified in the complaints and such
24 other vacancies as may arise at Stege, Helms and Kennedy schools with a single
25 designated certificated employee whose assignment complies with applicable state
26 certification laws for the upcoming 2024-25 school year.

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1 70. That this Court issue a declaratory judgment that Respondents are failing to fulfill
2 their mandatory duties pursuant to the *Williams* complaint process under California Education
3 Code section 35186 and order Respondent to follow those mandatory duties going forward.

4 71. That this Court enjoin Respondents from the illegal practice of covering teacher
5 vacancies with long-term substitutes and short-term substitutes working beyond their legal
6 authorization.

7 72. That this Court order Respondents to file a return to the writ within sixty (60) days
8 demonstrating that they have complied with the foregoing obligations.

9 That this Court award Petitioners the cost of this action, including reasonable attorneys'
10 fees and expenses; and that this Court grant such other relief as the Court deems just and proper.

11
12 DATED: July 19, 2024

Respectfully submitted,

13 By:


14 _____
Karissa A.D. Provenza

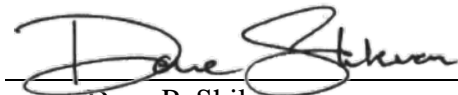
15 PUBLIC ADVOCATES INC.

John T. Affeldt

Nicole Gon Ochi

Karissa A.D. Provenza

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19 By:


20 _____
Dane P. Shikman

21 MUNGER TOLLES & OLSON LLP

Rohit K. Singla

Dane P. Shikman

Kyra E. Schoonover

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Counsel for Petitioners

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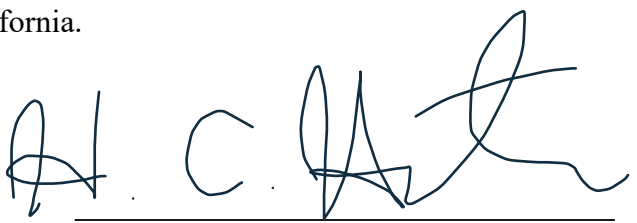
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VERIFICATION

I, Hilda Cristina Huerta, declare:

I am a petitioner in this action. The facts stated in the Petition are either true and correct based on my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 16, 2024, in [CITY], California.



Hilda Cristina Huerta

Document received by the CA 1st District Court of Appeal.

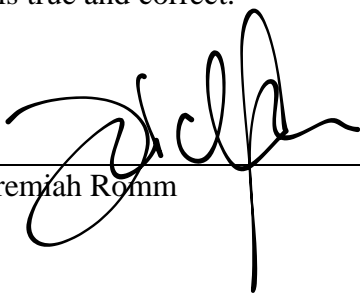
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VERIFICATION

I, Jeremiah Romm, declare:

I am a petitioner in this action. The facts stated in the Petition are either true and correct based on my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 16, 2024, in Hayward, California.



Jeremiah Romm

Document received by the CA 1st District Court of Appeal.


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VERIFICATION

I, Jetaun Thompson, declare:

I am a petitioner in this action. The facts stated in the Petition are either true and correct based on my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 16, 2024, in Richmond, California.



Jetaun Thompson

Document received by the CA 1st District Court of Appeal.

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VERIFICATION

I, Sam Cleare, declare:

I am a petitioner in this action. The facts stated in the Petition are either true and correct based on my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 16, 2024, in El Cerrito, California.



Sam Cleare

Document received by the CA 1st District Court of Appeal.

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VERIFICATION

I, Sarah Kincaid, declare:

I am a petitioner in this action. The facts stated in the Petition are either true and correct based on my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 16, 2024, in Pinole California.



Sarah Kincaid

Document received by the CA 1st District Court of Appeal.

EXHIBIT 1

The main findings of these complaints and meetings with community members are:

1. Community members feel frustrated that Stege is the oldest building an express distrust for district leadership due to broken past promises and the prioritization of other projects in the district.
2. Community members worry about the facilities due to the:
 - a. Uneven and broken floor tiles
 - b. Lack of opening windows
 - c. Falling ceiling tiles
 - d. Extreme heat temperatures (over 90 degrees) in classrooms and the office
 - e. Mold outside and in classroom
3. Past turnover has severely impacted students, and district leadership does not continue to prioritize retaining teachers at Stege.
4. Student letters were ignored by district leadership.

Williams Complaints participants (staff members highlighted and student letters not included) :

Carson Hunnewell	
Miranda Doris	██████████
Regina Thomas	██████████
Dre Johnson	
Theresa Griffin	
Janet Alexander	
Claudia Cabrera	
Roberto Sanchez	██████████
Fermina Ramos	██████████
Alma Perales	██████████
Yessica Ortez	
Juan Gonzalez	██████████
Carmen Aguirre	██████████
LaTisha Van Dyke	██████████

Doty Shampell	██████████
Phone Lavanh	██████████
Haley Filiafa	██████████
Taurisha Williams	██████████
Eduardo Irma	██████████
Elsa Ramirez	██████████
Agnes Acibar	██████████
Rhina Saravia	██████████
Kelly Madrid	██████████
Naomi Scott/Spencer	██████████
Maria Hernandez	
Sarah Kincaid	
Alexandria Caster	██████████
LaTasha Hilliard	██████████
Dana Russell	██████████
Selena Lazzarotto	
Hannah Miller	
Robin Bryant	
Sonia Perez	
Josh Miller	
Rashelle Rew	
Samuel Ocegüera	██████████
Vickie Price	
Ana Nakamura	
Alice Bennett	
Caitlin Gallagher	
Mary Day	
Cynthia Fago	██████████
Victor Orozco	██████████
Jeremiah Khaleq	██████████
Cheyenne English	

[REDACTED]

7th June 2022

WCCUSD School Board Trustees and Superintendent

West Contra Costa Unified School District

1108 Bissell Avenue

Richmond, CA 94801

Dear WCCUSD School Board Trustees and Superintendent,

My name is [REDACTED] and I am a fourth grade student at Stege Elementary School. I have been a student here since kindergarten. I Would like our school to have new play structure equipment and add swings. Also every recess we get to have music. Every classroom should have a sink and a bathroom and play kitchens and we should be able to eat in class if we're really hungry. I think we should be able to bring hot chips and we should be able to have good food.

Sincerely,

[REDACTED]

Your Name

123 Your Street
Your City, ST 12345
(123) 456-7890
no_reply@example.com

4th September 20XX

Ronny Reader

CEO, Company Name
123 Address St
Anytown, ST 12345

Dear Ms. Reader,

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed diam nonummy nibh euismod tincidunt ut laoreet dolore magna aliquam erat volutpat. Ut wisi enim ad minim veniam, quis nostrud exerci tation ullamcorper suscipit lobortis nisl ut aliquip ex ea commodo consequat.

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Sincerely,

Your Name

Your Name

123 Your Street
Your City, ST 12345
(123) 456-7890
no_reply@example.com

4th September 20XX

Ronny Reader

CEO, Company Name
123 Address St
Anytown, ST 12345

Dear Ms. Reader,

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed diam nonummy nibh euismod tincidunt ut laoreet dolore magna aliquam erat volutpat. Ut wisi enim ad minim veniam, quis nostrud exerci tation ullamcorper suscipit lobortis nisl ut aliquip ex ea commodo consequat.

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Sincerely,

Your Name

[REDACTED]

7th June 2022

WCCUSb SCHOOL BOARD Trustees and superintendent

CEO, Company Name
123 Address St
Anytown, ST 12345

Dear Ms. Reader,

We need more stuff for this School like new seats, and lights and Windows and air-conditioning, adipiscing elit, sed diam nonummy nibh euismod tincidunt ut laoreet dolore magna aliquam erat volutpat. Ut wisi enim ad minim veniam, quis nostrud exerci tation ullamcorper suscipit lobortis nisl ut aliquip ex ea commodo consequat.

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Sincerely,

Your Name

[REDACTED]

7th June 2022

Dear WCCUSD School Board and Superintendent,

My name is [REDACTED] and I am in fourth grade at Stege Elementary school. I have been a student here since kindergarten. I am writing to you because I've noticed that other schools near me have things that my school does not have. If you can help with it, we need grass to play soccer🏈.

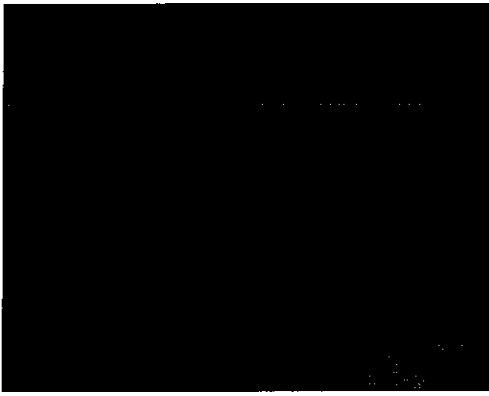
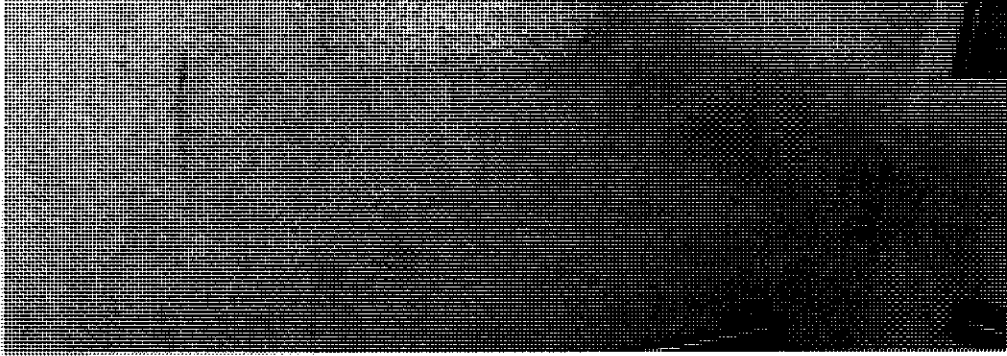
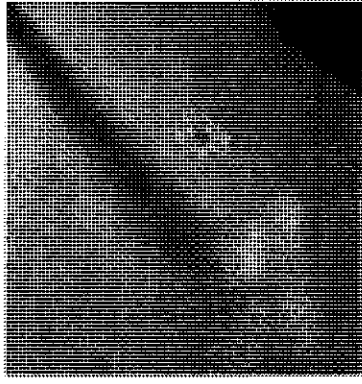
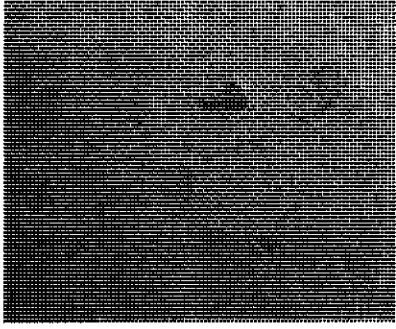
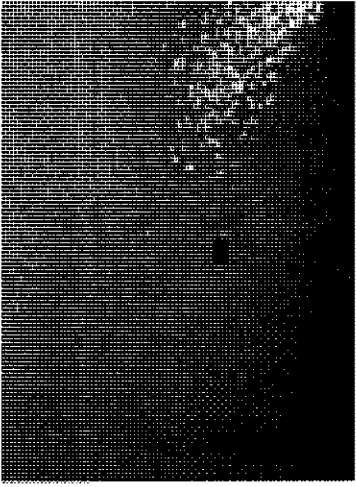
My brother is going to Stege Elementary but I want the school to be better but we can make the school better. And you can help us.

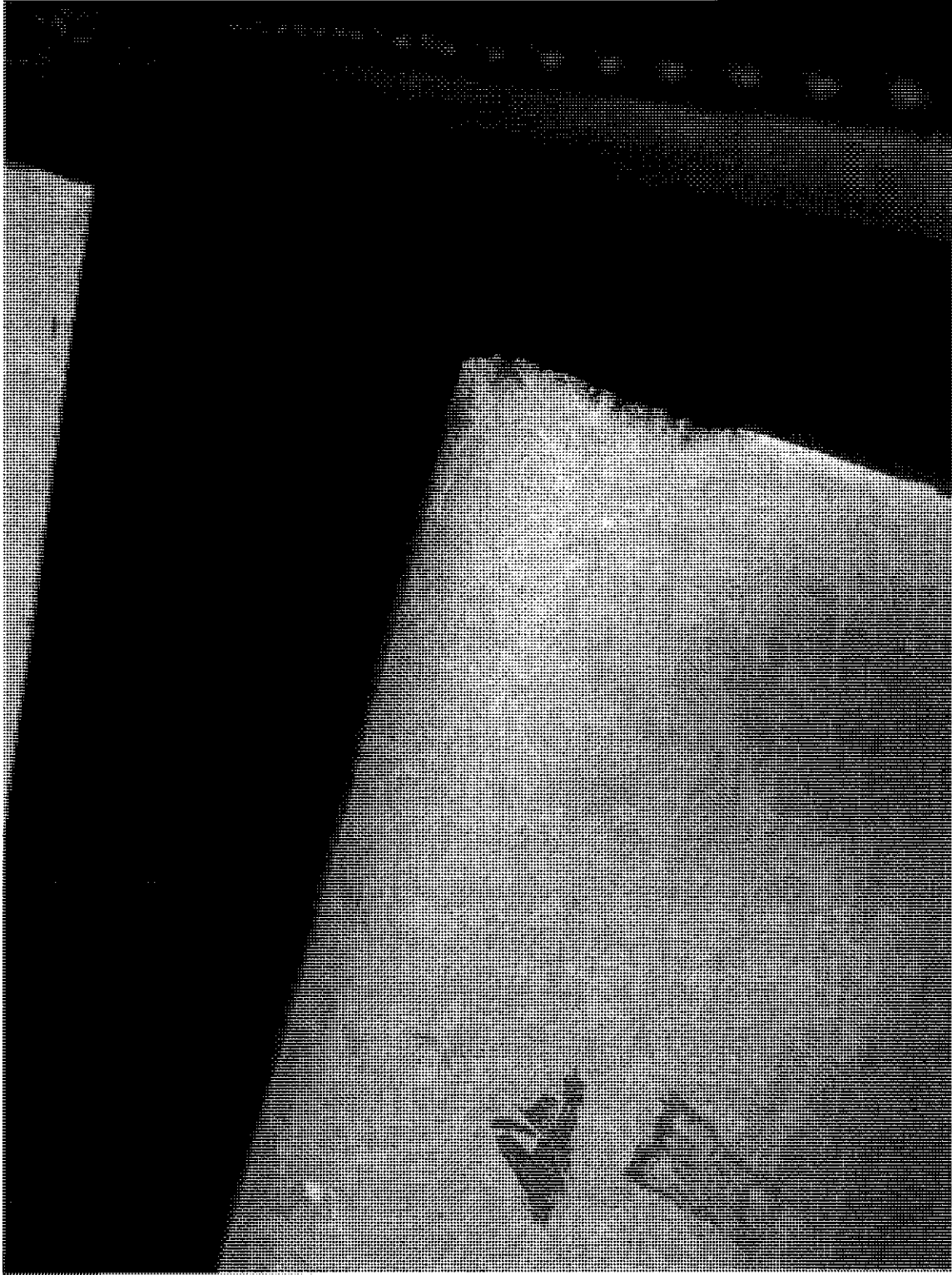
I thank you for making the school better. We could use new books and we could use new lockers. We need new windows because we can not see and some of them do not open and I can not see out of it. We need new floors because the floors are too old. The bathroom rooms are not good and the office is too small.

We need a new water fountain and new fans because it is so hot in the classroom. Cups for if we do not have a water bottle. Some widows cut people! We need new bathrooms for the kindergarten because if kids want to go to the bathroom they can go. I can show you some pictures and I think you guys can help us. Some classrooms

are pretty small. The floors and walls are dirty! I think we need two stories. We could use some games for when we are bored or to learn. And I can show you some pictures

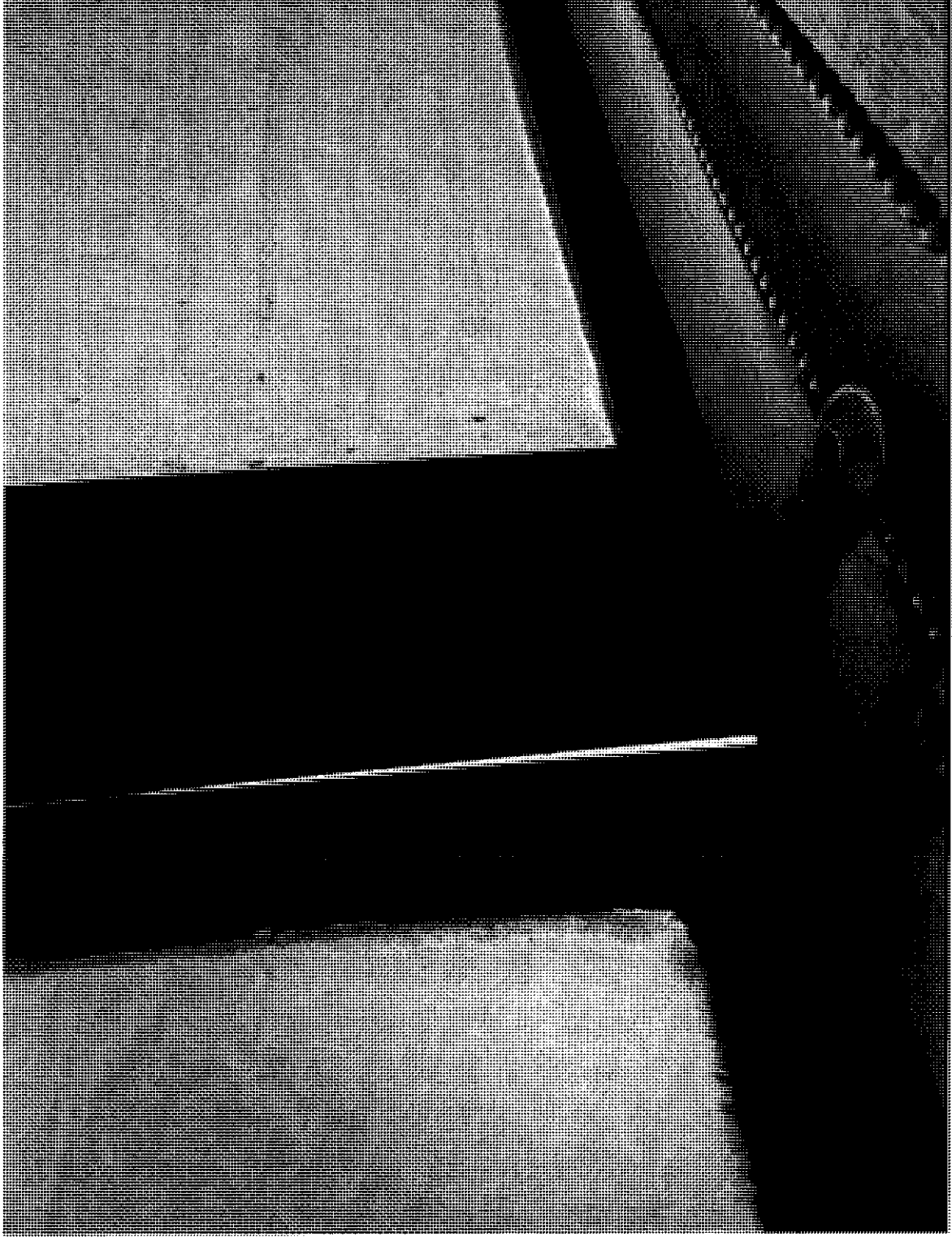
Sincerely,



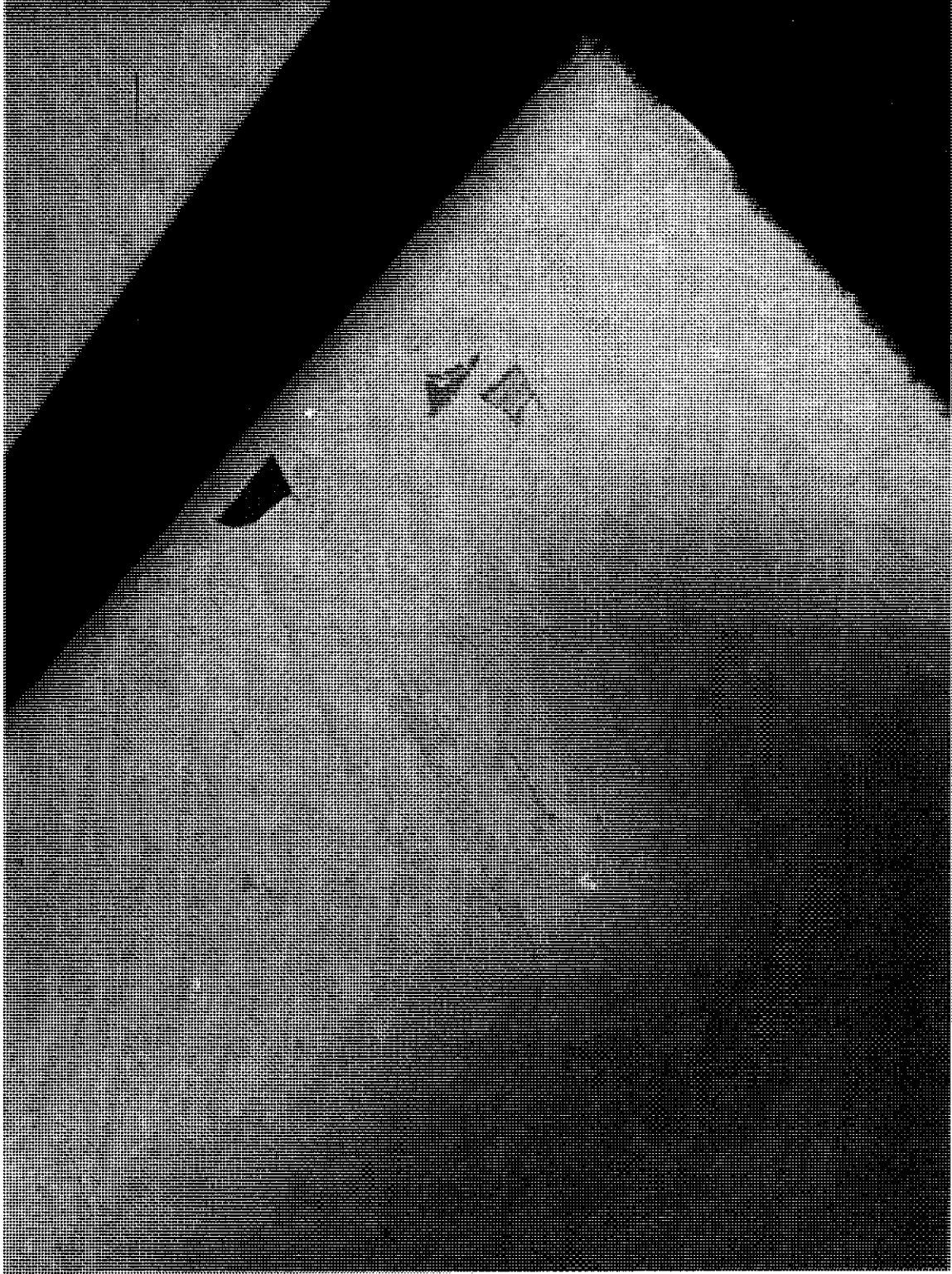


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Document received by the CA 1st District Court of Appeal.



**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 10/3/22

Last Name Miranda First Name Doris

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 2nd grade / Mr. Miller

Room number/name of room/location of facility #2

Date problem was observed ON GOING!!!!

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.

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.

- the ceiling has fallen on children

- dry rot in bathrooms

- mold in classes (my daughter has been to er numerous times)

- school needs update for my child to stay and feel safe.



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 10/3/22

Last Name Thomas First Name Regina

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone same

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 4th grade Mrs. Raw

Room number/name of room/location of facility _____

Date problem was observed 2022

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

□ 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.

Steger is one of the oldest school in
Richmond, We have a great principal,
great teachers and staff. We need a
new school for our students and staff
This will make everyone happy in
Richmond and the community. Let get
a fresh start give Steger a new school.



**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 10/31/22

Last Name Johnson First Name Drc

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Data Professional

Room number/name of room/location of facility 2

Date problem was observed _____

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.

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.

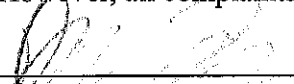
Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety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

Classrooms have lack of windows and proper ventilation. The floors are uneven and old. Our play structures are not fun. We have no grass for students to play on which means student often fall on cement. The school also has no hot water. there isn't AC in the classroom.

Williams Uniform Complaint Procedure (cont.)

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.



Signature

10/19/2022

Date



**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 10/3/22

Last Name Griffin First Name Theresa

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Grade 4

Room number/name of room/location of facility _____

Date problem was observed _____

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

□ 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.

The upper grade faculty bathroom
is unsafe - toilet wiggles, seat unsafe,
NO RUNNING hot water.

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.

Theresa Tuffin
Signature

12/14/22
Date



**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 10/3/22

Last Name Alexander First Name Janet

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name GT

Room number/name of room/location of facility 7

Date problem was observed _____

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.

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.



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 10/3/22

Last Name Claudia Cabrera First Name _____

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3rd grade, Kincaid

Room number/name of room/location of facility Room 1

Date problem was observed _____

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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.

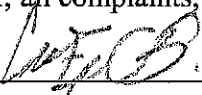
4. High school exit exam intensive instruction and services: (Education Code 35186)

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.

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.

Signature 

Date 11/15/22



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

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Response requested? Yes No Date 10/3/22

Last Name Sanchez First Name Roberto

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed years back

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.

□ 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.

Well as a parent I see too much
work that the school needs and it
has always be the same from years
back the main thing I'm concern
about is the education of every kid
attending at Stege classrooms are
way to old on everything starting

Williams Uniform Complaint Procedure (cont.)

from clean to safety and we dont
need to fill papers or complains as a
School that belongs to Contra Costa County
Should have to be remodel as the same
of every School is been done and
not left us behind.

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.

Roberto Sarker
Signature

10-15-22
Date



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

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Response requested? Yes No Date 10/3/22

Last Name Rew First Name Rashelle

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 4th grade / Ms. Rew

Room number/name of room/location of facility Room 18 / schoolwide

Date problem was observed every single day

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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.

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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.

The facility has noticeable mold and multiple rooms has reached 85+ most days and on occasion has reached 90+. There are missing tiles on the floor as well.



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

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Response requested? Yes No

Date 10/3/22

Last Name Miller First Name Josh

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 2nd Grade Teacher

Room number/name of room/location of facility 2 Stege Elementary

Date problem was observed August 2022 - Present

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.

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.

This is my first year at Stege Elementary and there are many reasons for complaining. First there are not the proper amount of staff to support the needs of the students. When there is staff some are under qualified to meet the diverse needs of the students. Outside of those concerns the building has many issues. There are rooms that contain black mold. Rooms tend to get

very hot throughout the day due to the fact that the windows don't open. This hinders the learning of all students. Students often complain about being hot. Our playground only ~~has~~ has a black top and on days when it is hot out it can be dangerous for students due to the heat. The facility is old and has many things that need to be updated to make it safer for teachers and ~~students~~ students.

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.


Signature

Nov 16, 2022
Date



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

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Response requested? Yes No Date 10/31/22

Last Name Perez First Name Sonia

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 1st grade, Perez

Room number/name of room/location of facility Room 4

Date problem was observed 11-16-22

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.
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- 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.

□ 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.

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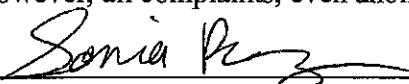
Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety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

I am a 1st grade teacher here at Stege. I have been in my room for 2 years and just recently discovered mold in my closet. This is ^{near} an area where students are actively at and it concerns they are breathing these toxins in. It is unsafe for students and staff to be at a school that has rooms rising to 90's degrees on hot days, windows that do not properly open and therefore have

to sit in the hallway to get air. Our
Staff bathroom in the office has a sewer
back up that does not allow any staff to
use it. The lower ^{grade} closet was filled with
a ton of supplies that had to be thrown
out because it was invaded by rodents.

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.


Signature

11-16-22
Date



West Contra Costa Unified School District
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Response requested? Yes No

Date 10/3/22

Last Name BRYANT First Name Robin

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility C

Date problem was observed August 2022

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.
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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.

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.

creatures (rats) and in storage closets, windows are not insulated and are dirty. There is mold in classrooms that is just painted over. Tiles coming up. Grass in playground "leaktop". No temperature regulation. No air conditioning. Too hot or cold. Sewage backup in office bathroom.

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.

Signature

Date



**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 10/3/22

Last Name Miller First Name Hannah

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Teacher - Kindergarten

Room number/name of room/location of facility #8 Stege Elementary

Date problem was observed August 2022

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)

Document received by the CA 1st District Court of Appeal.

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.

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.

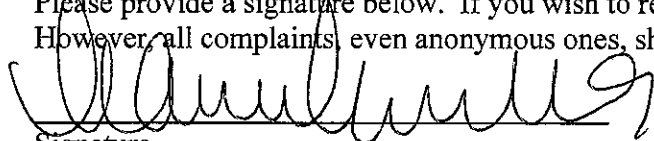
Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety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

As a staff member at Stege Elementary it really is upsetting that the smallest and oldest school in the district is not being prioritized in anything. These conditions are ridiculous for our students and it is sad that there is nothing even to discuss with the topic. These unsafe conditions make

me rethink this District and the leaders who are in charge of the students/staff "well-being." I am a pregnant teacher and these disgusting conditions make me not feel okay about my health & child's health. Black mold, rats, dirty/old rooms, ants, hot scorching rooms where temperatures are mid 70's and above. Parents, students, teachers have concerns and have made constant requests, but it feels hopeless at times when our leaders don't prioritize ^{our} specific school.

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.


Signature

11/07/22
Date



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

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Response requested? Yes No Date 10/3/22

Last Name Lazzarotto First Name Selena

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 1:1 aid

Room number/name of room/location of facility Room # 6

Date problem was observed October 6, 2022

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.

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.

I am writing in regards to the current conditions at Stege elementary school.

I am hoping that the school will be rebuilt. There's only one playground structure and during recess they have to share. There's no grass outside. The client kiddo that I work with is immunocompromised and there's mold in the classrooms. Not only is he immunocompromised



but he doesn't have anywhere to safely play during recess. He has a neurological disorder and doesn't have control of his movements and muscles. He has only one option to sit on the cement which can be very uncomfortable. I fear that staff will leave and the staff ~~is~~ here is quite amazing making a huge difference in these children's lives. This change would make a huge difference! Staff have seen mold, rat poop, dirty windows, tiles are broken. I am also a pregnant teacher

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.

Selena Jangarolo
Signature

November 16, 2022
Date

↳ and these conditions are unsafe and unhealthy for anyone.



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

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Response requested? Yes No

Date 10/31/22

Last Name Russell First Name Dana

Street Address/Apt. # _____

City _____ Zip _____

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed 11/2/2022

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.

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.

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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.

It has been brought to my attention that classrooms are not properly ventilated causing temperatures in classrooms to become uncomfortable for students. Many windows are in terrible unusable conditions. Broken floor tiles and mold in classrooms is unacceptable and should not even be a concern in an elementary school.

Williams Uniform Complaint Procedure (cont.)

There should be more than one custodian cleaning the entire school. RSP is overwhelmed and is in need of support. The craziest thing of all is there is NO SPRINKLER SYSTEM in case of a fire.

As a parent of three students attending this school, I would really appreciate that these concerns are addressed immediately.

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.

Signature NRKLP

Date 11/2/2022



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

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Response requested? Yes No Date 10/31/22

Last Name Hilliard First Name LaTasha

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3rd / Ms. Kincaid

Room number/name of room/location of facility 1 / Ms. Kincaid / Stege

Date problem was observed _____

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.
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 - 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)

Document received by the CA 1st District Court of Appeal.

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.

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.

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

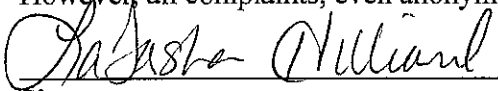
Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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.

Our children need ventilation and proper air circulating through the classrooms. It is very important for our children to have a school that provides adequate air. Our children deserve a more update school. We don't want the school torn down, just repaired.

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.


Signature

11/1/2022
Date



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

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Response requested? Yes No Date 10/31/22

Last Name Caster First Name Alexandria

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3

Room number/name of room/location of facility 1

Date problem was observed 11/1/22

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

Document received by the CA 1st District Court of Appeal.

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.

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

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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.

made no sprinkles, windows ^{front open} if it get to
hot ac to keep kits cool - our files
missing,

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.



Signature



Date

Document received by the CA 1st District Court of Appeal.



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

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Response requested? Yes No Date 10/3/22

Last Name Kincaid First Name Sarah

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3rd Grade, Kincaid

Room number/name of room/location of facility Room 1

Date problem was observed 11-16-22

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.
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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.

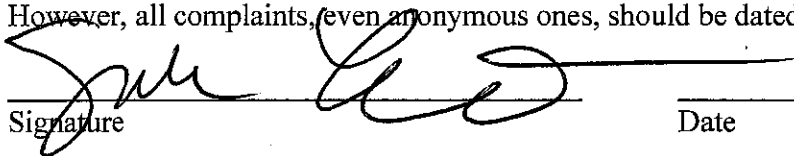
Our school has an incredible staff who are willing to work here even though: it is old and smells like an abandoned building, there are so many rats that several rooms are inaccessible, ^{thousands of} ants crawl across the walls and through my classroom, the tiles are old, ugly, and coming up off the floors, the windows are so old and filthy that I feel

Williams Uniform Complaint Procedure (cont.)

ashamed to invite parents into my classroom, there is no air conditioning and therefore often over 90° in the classroom causing students and I to sweat profusely in the afternoon, paint is peeling off the walls, mold-riddled walls are found frequently in classrooms & staff lounge, and it is the oldest building in the entire district. We have the highest number of black students in the district. They deserve better - and so do we.

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.

 _____
Signature Date 11-16-22



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

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Response requested? Yes No Date 10/3/22

Last Name Hernandez First Name Maria

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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.
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Document received by the CA 1st District Court of Appeal.

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.

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.



**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 10/3/22

Last Name Scott/Spencer First Name Naomi

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Ms. Cleane

Room number/name of room/location of facility 3

Date problem was observed School year 2022

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.

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.

No cool rooms windows don't
open had several different teachers
need more teachers.

Need more paper so they
can have homework sent home.

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.

Naomi Scott 11-1-22
Signature Date



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

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Response requested? Yes No Date 10/31/22

Last Name Madrid First Name Relly

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed 11/01/2022

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)

Document received by the CA 1st District Court of Appeal.

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.

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.



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 10/3/22

Last Name Saravia First Name Rhina

Street Address/Apt. # [REDACTED]

City _____ Zip _____

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3

Room number/name of room/location of facility 3

Date problem was observed 20/22

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)

Document received by the CA 1st District Court of Appeal.

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.

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.



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

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Response requested? Yes No Date 10/3/22

Last Name Acibar First Name Agnes

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Mr. Cleare 3rd

Room number/name of room/location of facility Room 3, Stege

Date problem was observed School Year 2022

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)

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■ 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.

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.

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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)

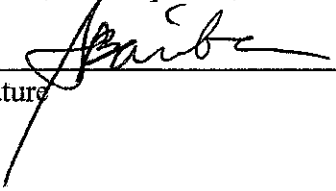
Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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.

This school needs air conditioner, new windows, chairs, desk
and more supplies.

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.

Signature 

Date 11/7/22



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

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Response requested? Yes No Date 10/31/22

Last Name Dominico First Name Elsa

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility 10

Date problem was observed 11/1/22

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.
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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)

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

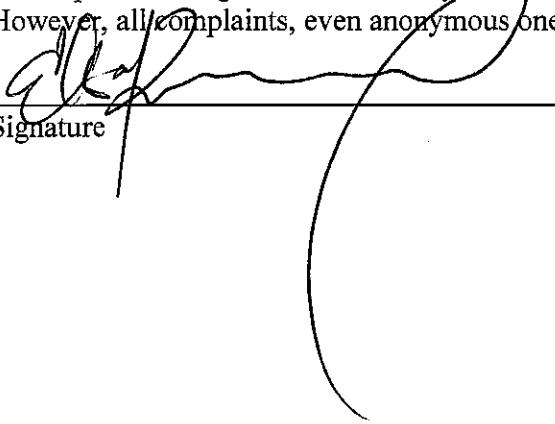
Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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.

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.

Signature

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the complainant.

Date

11/1/22



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

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Response requested? Yes No Date 10/3/22

Last Name Evardado First Name Irma

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Page/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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

Document received by the CA 1st District Court of Appeal.

■ 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.

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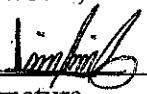
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Please file this complaint either with the principal of the school your child attends or at the Office of the Superintendent of Schools, 1108 Bissell Avenue, Richmond, California, 94801.

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.



 Signature

11-07-22

 Date

Document received by the CA 1st District Court of Appeal.



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

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Response requested? Yes No Date 10/31/22

Last Name WILLIAMS First Name TAUBISHA

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone —

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 2ND GRADE / MR. MILLER

Room number/name of room/location of facility RM # 2

Date problem was observed _____

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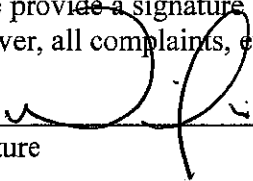
4. High school exit exam intensive instruction and services: (Education Code 35186)

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.

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.



Signature

11.3.22

Date



**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 10/3/22

Last Name FILLIATA First Name HALEY

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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.

My child deserves a safe learning environment.
The school has issues with mold, malfunctioning
windows, and there is no air conditioning on
super hot days. The school infrastructure is no
longer viable for 20-24 kids per classroom.
Poor wiring, and poorly maintained bathrooms
make it unsafe. Please rebuild this school.



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

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Response requested? Yes No Date 10/3/22

Last Name Lavanh First Name Phone

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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.
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Document received by the CA 1st District Court of Appeal.

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■ 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.

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.

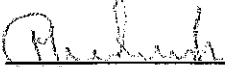
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Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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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.



Signature

11/15/22

Date



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

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Response requested? Yes No Date 10/3/22

Last Name Doty First Name Shempell

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name MS cleare / Biganna

Room number/name of room/location of facility 3

Date problem was observed School year 2022

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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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.

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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.

My children deserve a safe school and a clean one. With having a new school, better quality, the parents will be more comfortable and the school will stand out more and be recognize for how well the school has improved.



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

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Response requested? Yes No Date 10/3/22

Last Name VANDUYCKE First Name La'Tisha

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Kindergarten Mrs. Ahmed

Room number/name of room/location of facility _____

Date problem was observed _____

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.

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)

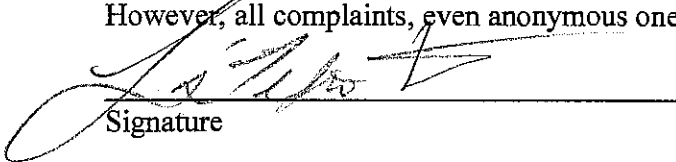
Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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.

I've been told there's mold growing and that's very dangerous for my child her health is important to me. She can get sick due to the mold

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.


Signature

11-15-22
Date



West Contra Costa Unified School District
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Response requested? Yes No Date 10/3/22

Last Name Aguirre First Name Carmen

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Ms. Kincaid

Room number/name of room/location of facility 1

Date problem was observed 11/15/2022

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.
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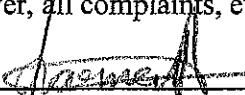
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Signature

11/15/2022

Date



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Response requested? Yes No Date 10/3/22

Last Name Gonzalez First Name Juan

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name M.S. deare

Room number/name of room/location of facility Room 3.

Date problem was observed _____

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)

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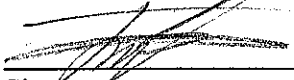
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Signature

11-15-22

Date



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Response requested? Yes No

Date 10/3/22

Last Name Jessica ORTEZ First Name Jessica

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name [REDACTED]

Room number/name of room/location of facility [REDACTED]

Date problem was observed [REDACTED]

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

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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.



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Response requested? Yes No Date 10/3/22

Last Name Perales First Name Alma

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone 0

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Kincaid

Room number/name of room/location of facility 1

Date problem was observed Year 2022

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)

Document received by the CA 1st District Court of Appeal.

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.

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.

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.

Alma Perez

Signature

Date



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 10/3/22

Last Name Ramos First Name Fermina

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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.

□ 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.



**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 10/3/22

Last Name DAU First Name MARY

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name K-6 . SPED.

Room number/name of room/location of facility Room 12 | STEGE ELEMENTARY

Date problem was observed 8/2022 - PRESENT

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.

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.

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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.

- Windows in some classrooms do not open,
safety hazard and health hazard
- Falling ceiling tiles, safety hazard.
- Mold in some classrooms, safety and
health hazard.



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

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Response requested? Yes No Date 10/3/22

Last Name Hummelwell First Name Carson

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Social worker

Room number/name of room/location of facility 31

Date problem was observed all year

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.

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.

Here at Stege many of the windows do not
open. That is a health hazard during covid, in addition
it makes for a very uncomfortable learning environment
during hotter months. The kids can also not see
out of the windows which is not good for
their learning or them emotionally. The tiles are also
uneven which is very unsafe for the kids. The school
also has a very outdated + sparse playground

Williams Uniform Complaint Procedure (cont.)

Lastly, the school has almost zero plants!

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.

Signature

Date



**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 10/3/22

Last Name Almeida First Name Remata

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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.
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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.

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.

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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.

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.

Remata
Signature

01/20/2023
Date



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

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Response requested? Yes No Date 10/3/22

Last Name OKOZCO First Name VICTOR

Street Address/Apt [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed 5/26/2022

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)

Document received by the CA 1st District Court of Appeal.

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.

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.

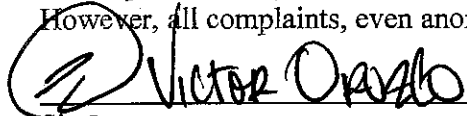
While I understand Stege is one of the oldest schools in the district it is in dire need of upgrades and various repairs. Along with being upgraded one of my main concerns as a parent is safety. There is no sense of security. Ranging from how low the fences are to the front door having a home ring door bell as a camera. This is not enough and needs

Williams Uniform Complaint Procedure (cont.)

to be changed. Air conditioning and heaters for the students would also be of service as it would make for a comfortable teaching and learning environment. Lastly as someone with expertise in the janitorial field the overall cleanliness of the classrooms and restrooms is just not up to standards especially in this time of COVID and other sicknesses such as cold/flu. My wife and I have expressed concerns to the Superintendent but with no avail. This is also something we will be following up on. As states students as well as faculty and staff deserve better.

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.


Signature

11/20/23
Date



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 10/3/22

Last Name Fago First Name Cynthia

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 2nd grade Mr. Miller

Room number/name of room/location of facility Room 2

Date problem was observed 10/3/22

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.

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.

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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.

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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.



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

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Response requested? Yes No

Date 10/31/22

Last Name Khaleq First Name Jeremiah

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name K, 3rd and 6th grade

Room number/name of room/location of facility _____

Date problem was observed Everyday

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.

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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.

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.

Windows wont open, mold and conditions ARE
unhealthy.

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.


Signature

01/19/2022
Date



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 10/3/22

Last Name English First Name Cheyenne

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Kindergarden Mrs. Miller

Room number/name of room/location of facility Play ground

Date problem was observed _____

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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)

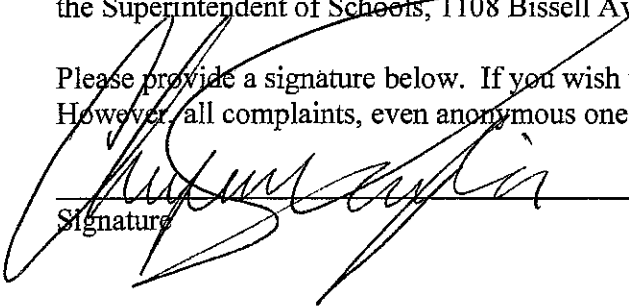
Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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.

The School has no heat the play ground is also out of date. Almost not safe for the kids. I feel like if the school was in better conditions the kids wouldn't mind being at school. ~~they~~ they need to ~~a~~ be ~~able~~ able to feel comfortable.

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.


Signature

1/19/23
Date



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

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Response requested? Yes No Date 10/3/22

Last Name Zechnowitz First Name Lillian

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone "

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed 5/25/2022

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

□ 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.

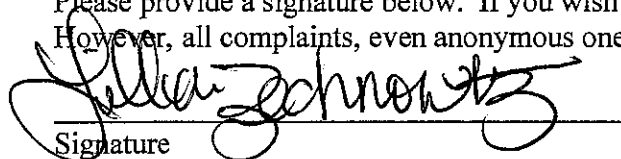
Please describe the issue of your complaint in detail. You may attach additional pages as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety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

For lack of better words - Stege Elementary is falling apart. As the 1st school built in this district in 1942, it should've been one of the first to be remodeled. WCCUSD has \$32 MILLION in state grants, Stege got \$3 MILLION - where did it go? Safety is a huge concern here for our students and their teachers.

There's no security cameras, fences falling down and Superintendent Hurst has no answers. I want answers from the 5 Board members. This district is failing Steges teachers and our young children. I met with Superintendent Hurst on 5/27/2022 and nothings changed. I will be following up AGAIN and will continue ~~to~~ to do so until I see progress.

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.


Signature

11/19/2023
Date



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

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Response requested? Yes No

Date 10/3/22

Last Name Webb First Name Brandi

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 1st Perez

Room number/name of room/location of facility 4

Date problem was observed _____

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.

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)

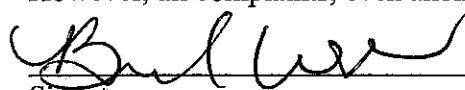
Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

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.

I feel like it is very unacceptable the conditions the school is in. Mold, holes in the wall, broken windows is unsafe to the staff and children. It's so unfair to everyone who attends. We should get the same attention as other schools in the district.

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.


Signature

1/19/22
Date



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 10/31/22

Last Name Hildebrand

First Name Crystal

Street Address/Apt. # _____

City _____

Zip _____

Home Phone _____

Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 5th Grade Mrs. Hannah

Room number/name of room/location of facility Stege Elementary

Date problem was observed 1/19/2023

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)

any way since I was here.
Please improve my grandson's
school conditions. All the children
are affected by this depressing
environment. If you don't care
why should they care?!!

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.

Crystal Hildebrand
Signature

1/19/2023
Date



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

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Response requested? Yes No Date 10/3/22

Last Name ~~Hazzard~~ Johnson First Name ~~Marissa~~ Za'ire

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3rd Ms. Clair

Room number/name of room/location of facility #3

Date problem was observed 01/19/23

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.

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.

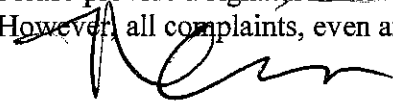
I feel that it's very urgent for this school to be reconstructed. It has been over 20 years ~~that this~~ and this school is still the same. The children that attend this school deserves to learn, play, and grow in a new environment, especially since the kids have to spend most of there day 8 hours at a school that is old that so unfair.

to the children. Please give these kids a better opportunity to be successful, and grow in a better condition School.

Steger is the oldest school in the School district ~~is~~ meaning majority of schools have already been repaired and reconstructed except Steger. Help the children's and teachers.

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.



Signature

01/19/23

Date



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

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Response requested? Yes No Date 10/31/22

Last Name Minis First Name Eric

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed 1/19/23

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.
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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.

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)

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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.

As a new father I would like
the best for my son and would
love to see a new renovation
at his school not only for the
looks but for his safety.

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.


Signature

1/19/23
Date



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

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Response requested? Yes No Date 10/31/22

Last Name George First Name Chauntale

Street Address/Apt. # _____

City _____ Zip _____

Home Phone N/A Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 2nd, Mr. Miller

Room number/name of room/location of facility _____

Date problem was observed 1/19/23

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.
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- 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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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

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□ 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.

My daughter, who is a student
at the school has asthma and
can't be exposed to mold but
would love to stay a stodge
with her friends she has made
through the past 3 years she
has been a student. If the school
be remedied we will not have



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 10/3/22

Last Name Samuel First Name Ocegvera

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

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.

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.

Samuel Ocegueda
Signature

11/15/11
Date



**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 10/31/22

Last Name Price First Name Vickie

Street Address/Apt. # _____

City _____

Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Librarians

Room number/name of room/location of facility 12 - Library - Stege School

Date problem was observed last 3 years

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)

Document received by the CA 1st District Court of Appeal.

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.

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.

There is no air filter in the library. The windows don't open all the way, the ones that do are a danger to students outside playing on grass as they swing on them (old windows) no air in library from outside. I got sick in October with a viral infection, there's mold. The speaker in the library is so loud, was too loud the years they can't adjust them. (HERA)

Williams Uniform Complaint Procedure (cont.)



**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 10/3/22

Last Name Nakamura First Name _____

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name Scow/Bilingual

Room number/name of room/location of facility Room 16 / office

Date problem was observed _____

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.

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.

The school building is in need of structural reform as it contains many danger points for students and faculty.



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

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Response requested? Yes No Date 10/3/22

Last Name Bennett First Name Alice

Street Address/Apt. # _____

City _____ Zip _____

Home Phone _____ Message/Work Phone _____

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name TK/K Bennett

Room number/name of room/location of facility 10

Date problem was observed 8/15/22

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)

Document received by the CA 1st District Court of Appeal.

■ 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.

□ 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.

Student restrooms are unsafe - water pooling on floor throughout day. Restrooms frequently have no soap or paper towels. Restrooms near cafeteria smell horrible - raw sewage.

I am required to have an aide per CA law for every 12 students or 12:1. I have no aide.

Students are moved into a class

Williams Uniform Complaint Procedure (cont.)

With another teacher in the event of absence,
subs are unavailable.

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.

Alice Benth
Signature

11/17/22
Date



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

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Response requested? Yes No

Date 10/31/22

Last Name Nofflett First Name Caitlin

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed _____

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.
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- Textbooks or instructional materials are in poor or unusable condition, have missing Pages, or are unreadable due to damage.
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Document received by the CA 1st District Court of Appeal.

■ 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.

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

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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.

Mud in school, heat (no AC), oldest school in the district, kids deserve better, impacts learning and self worth, no working sprinklers, not good learning conditions.



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

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Response requested? Yes No

Date 10/3/22

Last Name Bettencourt First Name Angella

Street Address/Apt. # [REDACTED]

City [REDACTED] Zip [REDACTED]

Home Phone [REDACTED] Message/Work Phone [REDACTED]

School/Office of Alleged Violation WCCUSD, Stege

Course title/grade level and teacher name 3rd grade miss Clear

Room number/name of room/location of facility Stage Elementary

Date problem was observed 2022

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.
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- 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.

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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.

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.

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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.

My son has come to me numerous times
complaining about the classroom being too hot
and not enough air flow he has ask to sit
by the windows but they do not open! which
is not safe!! also he has complained about
seeing black mold in one of the classroom's
He also refuses to go to the Bathroom by
his self because of the conditions, also he has

Williams Uniform Complaint Procedure (cont.)

gotten hurt numerous times with the outdated
play equipment these are unsafe conditions
that need to be addressed immediately for
the safety of our teachers and children!!
us parents appreciate the dedication and
hard work that these teachers and staff
are putting in with what they are given!!
this matter needs to be taken seriously
for everyone safety thank you if anyone
has questions feel free to contact me
personally [REDACTED] of via email [REDACTED]

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.

Angella Bottencourt
Signature

1-20-23
Date

From: **Koy Hill (via Google Sheets)** <drive-shares-dm-noreply@google.com>

Date: Thu, Sep 21, 2023 at 1:07 PM

Subject: Spreadsheet shared with you: "Stege Williams Complaints"


To: <lfreese@wccusd.net>

Cc: <gchilcott@wccusd.net>

Koy Hill shared a spreadsheet



Koy Hill (koy.hill@wccusd.net) has invited you to **edit** the following spreadsheet:

 Stege Williams Complaints

[Open](#)

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because koy.hill@wccusd.net shared a spreadsheet with you from Google Sheets.

Google Workspace

--

*Luis Freese, Associate Superintendent
Facilities, Maintenance and Bond
West Contra Costa Unified School District
1400 Marina Way South
Richmond, CA 94804
(510) 231 1105*

Document received by the CA 1st District Court of Appeal.

Stege Williams Complaints Elementary Schools 2022/23-24

Type of complaint:	Department to support:	Date submitted:	Submitted by:	Notes:	Department to support:
Textbooks and Instructional Materials	Curriculum & Instruction	11/15/2022	Miranda Doris	All 3 complaints	
Textbooks and Instructional Materials	Curriculum & Instruction	12/14/2022	Dre Johnson	All 3 Complaints	
Textbooks and Instructional Materials	Curriculum & Instruction	11/15/2022	Regina Thomas	Facility Conditions	Facilities
Textbooks and Instructional Materials	Curriculum & Instruction	1/19/2023	Crystal Hildebrand		
Teacher Vacancy or misassignment	Vacancies-HR	12/14/2022	Theresa Griffin	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	12/14/2022	Janet Alexander	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Claudia Cabrera	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	10/15/2022	Roberto Sanchez	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Roshelle Rew	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/16/2022	Josh Miller	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/16/2022	Sonia Perez	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/07/2022	Hannah Miller	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/16/2022	Selena Lazzarotto	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/2/2022	Dana Russell	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/1/2022	LaTasha Hilliard	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/1/2022	Alexandria Coster	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/16/2022	Sarah Kincaid	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/16/2022	Maria Hernandez	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/1/2022	Naomi Scott Spencer	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/1/2022	Kelly Madrid	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/2/2022	Rhina Saravia	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/7/2022	Agnes Acibar	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/1/2022	Elsa Ramirez	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/04/2022	Irma Guardado	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/03/2022	Taurisha Williams	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Haley Filiafa	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	P. Lavanh	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Shempell Doty	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	La'Tisha Van Dycke	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/16/2022	Carmen Aguirre	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Juan Gonzalez	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Alma Perales	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Fermina Ramos	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	11/15/2022	Mary D.	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/20/2023	Remata Almeida	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/20/2023	Victor Orozco	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/19/2023	Cynthia Fago	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/19/2023	Jeremiah Khaleq	All 3 Complaints	
Teacher Vacancy or misassignment	Vacancies-HR	01/19/2023	Cheyenne English	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/19/2023	Lillian Zechnowitz	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/19/2023	Brandi Webb	Facility Conditions	Facilities
Teacher Vacancy or misassignment	Vacancies-HR	01/19/2023	Za'ire Johnson	Facility Conditions	Facilities

EXHIBIT 2



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Facilities Operation Center

1400 Marina Way South

Richmond, CA 94804

Luis Freese
Associate Superintendent, Operations

Phone (510) 231-1105

December 14, 2023

Re: Response to Williams Complaint

Dear ,

The West Contra Costa Unified School District (“District”) received a formal *Williams* Complaint bearing your signature dated 6/7/2022 concerning facilities at Stege Elementary School.

Your Complaint was one of approximately 50 complaints that were filed simultaneously with the District in June 2023. These complaints which were dated from November 1, 2022, through January 20, 2023 raised similar issues concerning the condition of school facilities at Stege Elementary School including the following problems:

- Dry rot;
- Mold;
- Vermin/pest infestation;
- Broken/non-functioning windows;
- Falling/broken ceiling tiles;
- Broken/uneven floor tiles;
- Holes in walls;
- Non-functioning air conditioning/heating;
- Bathroom facilities cleanliness/disrepair;
- Unsafe playground equipment;
- Sewage backup;
- Inadequate fencing and security cameras; and
- No sprinklers.

Several complaints were deemed invalid due to insufficient detail to address an identifiable issue. The District has consolidated the remaining complaints into a single investigation to address all the identified issues in accordance with the District’s *Williams* Uniform Complaint Procedure contained in Administrative Regulation (“AR”) 1312.4. A copy of the applicable regulation is enclosed herewith for your reference.

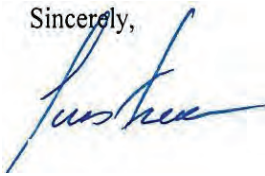
Due to the number of complaints received and the gap in time between the dates of the complaints and when they were filed, the District requires additional time beyond the statutory

45-day timeline provided by Education Code 351869(c) and the District's Administrative Regulation No. 1312.4 to complete its investigation and provide a resolution to the issues presented. Accordingly, the District will provide a substantive response with an update as to the status of its efforts to investigate and remedy the issues identified in your Complaint by January 12, 2024.

The District understands the concerns of students, parents, as well as certificated and classified staff regarding the adequacy of facilities at Stege Elementary School. At its November 8, 2023 Special Meeting, the Board of Education approved a \$43,000,000 Stege Elementary School Modernization Project Budget to fund modernization of the school's facilities. A copy of the agenda item concerning this action is enclosed herewith for your reference.

Thank you for sharing your concerns as well as your cooperation during the investigation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis Freese", is written over a light blue rectangular background.

Luis Freese

Associate Superintendent for Operations

Enclosures: WCCUSD Administrative Regulation No. 1312.4

Agenda Item: D.5. Increase the Stege ES Critical Needs Project Budget -
November 8, 2023 Special Meeting of the Board of Education

Document received by the CA 1st District Court of Appeal.

EXHIBIT 3

----- Forwarded message -----

From: **Jamela Smith** <jamela.smith@wccusd.net>

Date: Mon, Sep 12, 2022 at 1:56 PM

Subject: Stege Elementary Schools

To: Chris Hurst <chris.hurst@wccusd.net>

Cc: Otheree Christian <ochristian@wccusd.net>

Good afternoon,

I had the pleasure of attending Stege Elementary School this morning. The heart and potential that the school has is overwhelming, but so are the problems and areas of concern. I talked to a third grader today who said, "I don't like to come to school because of the spiders." That is heartbreaking.

I would like to share some of my observations, area of concerns and then make an ask.

Some things that I observed and what I was told are the following;

1. The play structure is broken (see attached photo)
2. The grounds need to be weeded and some trees cut back because they bring rodents directly into the school.
3. They have zero permanent custodians. A retired custodian has come in during the day.
4. These students are sitting in old desks.
5. The doorbell on the front doesn't work. It is not compatible with the laptops.
6. There is a broken pipe outside the school (see attached photo)
7. The school is dirty and needs to be power washed.
8. The windows are dangerous. They can be easily pushed open. (see attached photo)
9. The wires that the district ran for internet are just hanging in the school. They are not covered. (see attached photo)
10. The school has no sprinklers in the cafeteria. No one could locate them.
11. The stage is not ADA compliant.
12. The refrigerator needs to be removed (see attached picture)
13. The food service worker has no prep space. She is in a room stuffed with supplies and no windows that open.
14. There is a smell of sewage on occasion from the streets.
15. These kids matriculate to Korematsu and they are not ready. Where is the vertical alignment plan?

Dr. Hurst,

I believe that all of these aforementioned items need to be addressed. Let me take a point of privilege and say a lot of these are facilities issues. I want this school to thrive. They have 250 students and should feel loved and cared for. They expressed disappointment and neglect.

What can we do, right now for Stege? Well, I believe Power washing their school is a great place to start, covering up wires, fixing the playground equipment, send the ground crew to weed and trim trees, fixing the broken pipe and doorbell. These are impactful steps on rebuilding trust.

Legally what I think must be assessed is the ADA non compliant and safety issues. These include, but I am sure not limited to; no one can locate the sprinklers in the cafeteria, the stage is not ADA compliant, and not having a permanent custodian is a health and welfare issue.

My ask, could we have a board discussion about Stege? Specifically Stege. The reason is because we don't have the money to rebuild them but that doesn't mean we don't owe them quality and safe facilities.

Thank you in advance for your agenda consideration. I am not giving direction. I was just bringing these items to your attention. I would like to know a plan to address some of these issues. Especially the facilities.

Kind regards,

Jamela Smith-Folds

EXHIBIT 4



WCCUSD

Long Range Facilities Master Plan

July 2016



Approved by the CA 1st District Court of Appeal.

Prioritizing the Options

The Facilities Subcommittee and the Board of Education received the Prioritization Committee's recommendation for prioritizing the options at their April 2016 meetings. At the same meeting the Planning Team stated their overall observations on the process and their recommendations for both the options and the sub-options. The recommendation included the following:

Option A - with adjustments to align with community input and Prioritization Committee criteria.

Option A adjustments included:

- » Created scope definition for Critical Needs Allocation and refine Costs Allocation
 - *Allows for resolution of significant seismic issues*
 - *Focuses remaining bond funds on the most critical health and safety issues in the 21 Priority School Sites*
 - *Focus on projects that move schools closer to implementation of the full Program Approach Option B in the future*
- » Uses "Option B" as the long term solution for school site upgrades rather than "Option D"
 - *Adjusted for PVHS expenditure*
 - *Remove Stege Elementary School from replacement and provide a Critical Needs Allocation*
- » Recommended Sub-Options
 - #5 *Rebuild Highland on the Harmon-Knolls Site instead of rebuilding the campus on the Highland Site*
 - #6 *Trade the Seaview Campus*
 - #7 *Move Cameron functions to the North Campus (PSC) Site and demolish the existing building to expand Korematsu Middle School field space*
 - #8 *Move entire Fairmont K-6 to the Korematsu (Portola) Temporary Campus and demolish Fairmont (Add: Until Fairmont is rebuilt on the original school site)*
 - #9 *Demolish existing Harmon-Knolls buildings & site improvements*
- » Additional short term recommendations
 - *Revise Standards and Educational Specifications*
 - *Revisit Board approved optimum school sizes*
 - *Create periodic review of the Master Plan involving the community*
 - *Inclusion of all District sites into the Master Plan*

The Board of Education approved the recommendation.

The Facilities Master Planning Process

Initiation



SELECTION AND FIRST MEETING

The District initiated a Request for Qualifications for Long Range Facilities Master Planning services. This was followed by a Request for Proposals to those chosen to move on with the selection process. Within this document, a preliminary process to complete the work was described. Once selected, the Planning Team began discussions with the Facilities Department on the overall process. During these discussions, several key issues were identified, including:

The Process needed to be:

- » Fully Transparent
- » Interactive
- » Community based

THE STEERING COMMITTEE

A Steering Committee was identified. This Committee’s charge was to review the steps and help maintain an orderly process of developing the Facilities Master Plan. They met periodically, typically before major community meetings and or Board of Education meetings. The Committee consisted of members from District Administration, Facilities Department, Academic Operations, and the Citizens Bond Oversight Committee. This Committee met six times during the process.

PRIORITY SCHOOL SITES

The District had identified 21 “Priority” School Sites to receive detailed facilities assessments. Assessments included condition and educational program deficiencies for both the campus buildings and site. Section 8 of this report contains the results of the assessments. The following is a list of the 21 Priority School Sites in alphabetical order:

1. Alvarado Adult School
2. Cameron School
3. Chavez Elementary School
4. Collins Elementary School
5. Crespi Middle School
6. Fairmont Elementary School
7. Grant Elementary School
8. Hercules Middle School
9. Hercules High School
10. Highland Elementary School
11. Kennedy High School
12. Lake Elementary School
13. Ohlone Elementary School
14. Olinda Elementary School
15. Richmond High School
16. Riverside Elementary School
17. Serra Adult School
18. Shannon Elementary School
19. Stege Elementary School
20. Valley View Elementary School
21. Wilson Elementary School

Defining the Critical Needs Scope

In creating the scope for Critical Needs Allocation and refinement of the cost allocation

- » Allows for resolution of significant seismic issues
- » Focuses remaining bond funds on the most critical health and safety issues in the 21 Priority School Sites
- » Focus on projects that move schools closer to implementation of the full Program Approach Option B in the future

The following charts provide a breakdown of the defined critical needs by school. All critical needs, especially the seismic projects, need further scoping and examination for implementation.

Stege Elementary School was added to the critical needs list because the amount of remaining funds may not be able to support the full replacement project. See the Implementation Plan for additional detail on the timing and decision points for Stege.

RECOMMENDED SUB OPTIONS

The following Sub-Options were recommended for inclusion into the Master Plan. These Sub-Options will require further study. If the detailed studies produce a positive cost and/or operational saving, then the Sub-Options should be implemented. The other Sub-Options have been removed from consideration.

- #5. Rebuild Highland on the Harmon-Knolls Site instead of rebuilding the campus on the Highland Site (Pending geotechnical soils investigation).
- #6. Trade the Seaview Campus.
- #7. Move Cameron functions to the North Campus (PSC) Site and demolish the existing building to expand Korematsu Middle School field space (after buildings and site is updated).
- #8. Move entire Fairmont K-6 to the Korematsu Temporary Campus (@ the former Portola MS Site) and demolish Fairmont (Add: Until Fairmont is rebuilt on the original school site).
- #9. Demolish existing Harmon-Knolls buildings & site improvements.

Section 6 | Option Development

General Critical Needs




General Critical Needs				
School	Proposed Scope	Original C.N.A. In Millions	Recommended C.N.A. In Millions	Possible State Funding
Stege ES	Close and Demolish Building 1, and move into vacated portables on site after DSA certification.	\$41.2 (Replacement Cost)	\$2.6	*
Highland HS	Fix sewer system with piping and new lift stations, study Harmon-Knolls for viable relocation site	\$2.6	\$0.08	
Grant ES	Add portable student and staff toilets adjacent to portable Classroom Buildings	\$3.6	\$0.8	
Shannon ES	Demolish existing portable Multi-Purpose Room and build a new Multi-Purpose Room	\$2.1	\$5.8	*
Olinda ES	Safety hazards- site, windows and Restroom Building	\$2.4	\$1.0	*
Collins ES	Fix safety hazards on the stage and add HVAC	\$2.8	\$2.8	*
Chavez ES	Add new drop-off	\$1.9	\$0.6	
Hercules MS	Build new shared Science Building; scope the project to the budget	\$6.1	\$6.1	
Hercules HS	Build new shared Science Building; scope the project to the budget	\$5.9	\$5.9	
Ohlone ES	Demolish remaining original school campus buildings and open parking and drop-off on the east side, Remove leased portables	\$1.3	\$0.8	
Alvarado Adult School	ADA upgrades and retrofit restrooms to adult height	\$2.2	\$2.2	
Serra Adult School	ADA upgrades and retrofit restrooms to adult height	\$1.8	\$1.8	

*R.O.M. Cost - Rough Order of Magnitude Cost, which are based on general cost per square foot and do not include escalation or cost for temporary housing. Further Architectural and Engineering studies are required, including scoping and budgeting, for all Critical Needs.

Implementation Plan - Model One

Future Funding/Needs Projects		
School	Project Type	R.O.M. Cost (In Millions)
Alvarado Adult School	Critical Needs	4.2
Serra Adult School	Critical Needs	3.4
Stege ES	RS Replacement	86.4
Highland ES	RS Replacement	121.9
Valley View ES	RS Replacement	108.5
Grant ES	Mod/Partial Replacement	46.6
Richmond HS	Mod/Partial Replacement	119.2
Shannon ES	Mod/Partial Replacement	28.1
Olinda ES	RS Replacement	89.6
Fairmont ES	RS Replacement	102.4
Crespi MS	Mod/Partial Replacement	65.5
Collins ES	Mod/Partial Replacement	37.2
Kennedy HS	Mod/Partial Replacement	110.4
Riverside ES	Mod/Partial Replacement	58.1
Chavez ES	Mod/Partial Replacement	24.6
Hercules MS	Mod/Partial Replacement	7.2
Hercules HS	Mod/Partial Replacement	15.9
Ohlone ES	Mod/Partial Replacement	10.2
Cameron School	Mod/Partial Replacement	37.4
Alvarado Adult	Mod/Partial Replacement	25.7
Serra Adult	Mod/Partial Replacement	17.4
Sub Total		1,119.9

Legend:

-  Seismic Critical Need
-  Critical Need
-  Modernization/Replacement

Grand Total	1,301.7
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Section 7 | Implementation

Implementation Schedule - Model One

The projects with potential funding have been included in a time-line. This time-line is based on the cash flow of the issuances discussed above. ^Å

ID	Task Name	Start	Finish	2016	2017	2018	2019	2020	2021	2022	2023	2024	
1	WCCUSD Project Implementation Plan, Model One	6/6/16	6/5/23	[Grey bar spanning 2016-2023]									
2	Complete Educational Specifications	6/6/16	1/2/17	[Grey bar]									
3	Complete Standard Material and Product Specifications	6/6/16	1/2/17	[Grey bar]									
4	Complete School Size Review and Board Adoption	8/8/16	12/9/16	[Grey bar]									
5	Complete Inclusion of All District Sites into Master Plan	1/6/20	10/9/20					[Grey bar]					
6	Testing Harmon Knolls	6/6/16	8/5/16	[Grey bar]									
7	Valley View Elementary School (demo)	6/6/16	6/16/17	[Orange bar]									
12	Crespi Middle School Seismic	6/6/16	6/15/18	[Orange bar]									
17	Riverside Elem Seismic	1/9/17	9/27/19		[Orange bar]								
22	Richmond HS Seismic	1/9/17	2/28/20		[Orange bar]								
27	Kennedy High School Seismic	1/7/20	4/8/22					[Orange bar]					
33	Highland Elementary School	6/6/16	2/10/17	[Blue bar]									
37	Grant Elementary School	6/6/16	2/10/17	[Blue bar]									
41	Olinda Elementary School	6/6/16	3/24/17	[Blue bar]									
45	Chavez Elementary School	6/6/16	3/24/17	[Blue bar]									
49	Ohlone Elementary School Portable Demo	6/14/16	9/5/16	[Blue bar]									
51	Harmon Knolls Demo	6/6/16	10/7/16	[Blue bar]									
53	Fairmont Elementary School	1/8/18	8/16/19			[Blue bar]							
58	Stege Elementary School	1/8/18	8/30/19			[Blue bar]							
63	Cameron School	1/6/20	8/13/21					[Blue bar]					
68	Hercules MS/HS	1/6/20	10/8/21					[Blue bar]					
73	Collins Elementary School	1/6/20	7/16/21					[Blue bar]					
78	Shannon Elementary School	1/6/20	1/28/22					[Blue bar]					
83	Wilson Elementary School	1/9/17	7/17/20		[Green bar]								
89	Lake Elementary School	7/8/19	6/5/23					[Green bar]					

* Implementation Schedule - Model One assumes no Local Bond in 2018.

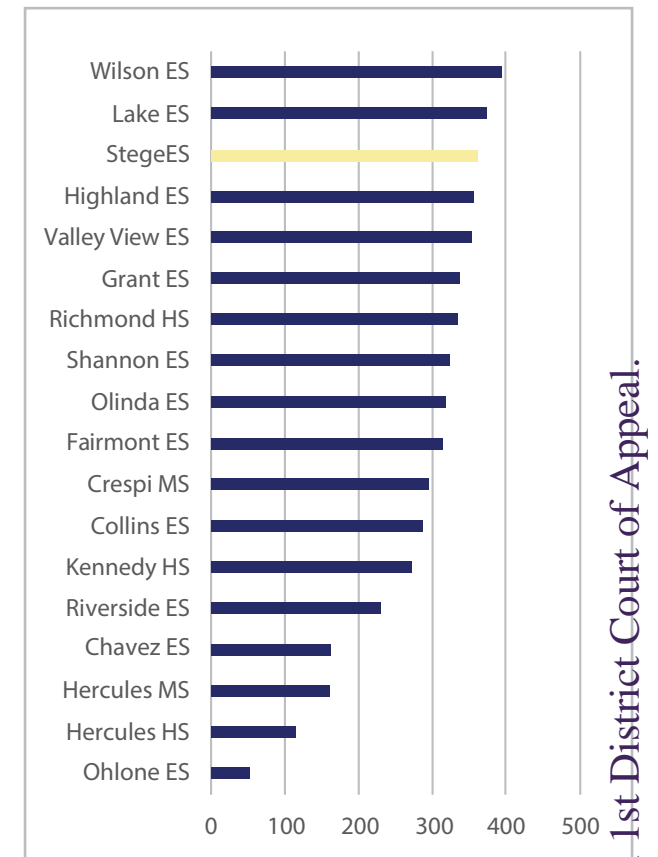
** Time bars represent design, DSA review and approval & construction.

Stege Elementary School Prioritization Criteria Scoring

Criteria	Metric	Stege Base Data	Stege Weighted Score
Number of Years since Last Improvements	Bond & State dollars spent/student	\$8,233	54
Function Score	Darden/iep2 assessment score	31.58	60
Seismic Needs	Seismic Report Priority	3	30
Age	Age of the main permanent building	1943	50
Condition Score	Darden/iep2 assessment score	28.28	45
ADA Score	Darden/iep2 assessment score	16.23	36
Completed Plans	Design stage of campus improvement plans	CD	32
Economically Disadvantage Area	Median household income (dollars)	\$50,625	24
Technology Infrastructure	Technology Department Ranking	3	12
State Funding	Eligible for a facilities state funding program	No	0
% of students who are low income, ESL or Foster	2015-16 WCCUSD LCAP Draft - Unduplicated Count	93%	18
At or Nearing Capacity	Utilization without portables	72%	0
Total			361

Scoring Comparison

This chart represents the sequence ranking of all 21 Priority Sites, and the position that this school site was ranked.



Stege Elementary School

Critical Needs Phase

Critical Needs Phase 1

Stege Elementary School is third in line for total replacement, according to the Priority List. The remaining Bond authority in the District is not expected to reach as far as this third project; however, if a new Bond is passed before this critical need project is addressed then the replacement project should occur instead of the critical need project.

If the funding is not available for the full replacement, the critical needs scope includes the following:

- » Obtaining DSA certification for the portables which are currently on-site
- » Relocating the classroom and office functions to the portables
- » Demolishing Building 1 and providing minimal site work to enclose the school site and create a safe environment for student use of the entire building site

Building 1 was chosen to be demolished because the original wood windows are failing. The connection of the exterior wall to the facilities structural system has deteriorated and near failure. The main buildings floor structure is deteriorated and continues to fail. The office layout is not conducive to everyday activities, and a safe and secure environment is compromised by the direct access to the campus.



EXHIBIT 5



**Special Board of Education Meeting
11/08/2023 05:00 PM**

PUBLIC SESSION: 5:00 - 7:00 PM
LoVonya DeJean Middle School, 3400 Macdonald
Ave., Richmond, CA 94805
ZOOM WEB CONFERENCE:
<https://zoom.us/j/443916491>

ITEM : D.5. Increase the Stege ES Critical Needs Project Budget

Item Type

Action

Contact Person

Luis Freese, Associate Superintendent Operations

Summary

Staff recommends increasing the Stege ES Critical Needs Project Budget by \$40,100,000. The funding source for the Project Budget increase would be State Facilities Funds. The approval of this Project budget will fund the modernization of Stege ES.

Recommendation

Increase the Stege ES Critical Needs Project Budget of \$2,900,000 by \$40,100,000 to approve a \$43,000,000 Stege ES Modernization Project Budget. The funding source is State Facility Matching Dollars in the Non-Measure Resource from the Bond Fund.

Financial Impact

\$40,100,000. Funded from Non-Measure Resource Fund 21 Building Fund.

Financial Impact Statement

Bond Program	As of 11/8/23*	Estimated
Total Bond Program Budget*	\$2,345,061,243	\$2,385,161,243
Measure R2020 Budget*	\$566,800,000	\$566,800,000

*assumes approval of the Allocation of Measure R2020 Project Budget for Kennedy HS & Richmond HS separate items on the same Board Agenda

Document received by the CA 1st District Court of Appeal.

EXHIBIT 6

Quarterly Uniform Complaint Form

[Education Code 35186]

District: West Contra Costa Unified School District

Person completing this form: Luis Freese

Title: Associate Superintendent Operations

Report Submission **Due Date:** (check one)

- Q1: Jul-Sep 2022 – DUE: October 31, 2022
 Q2: Oct-Dec 2022 – DUE: January 31, 2023
 Q3: Jan-Mar 2023 – DUE: May 1, 2023
 Q4: Apr-Jun 2023 – DUE: July 31, 2023

Date for information to be reported publicly at governing board meeting: July 12, 2023

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
 Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

Area of Complaint	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Kenneth C. Hurst Ed.D.

Print Name of District Superintendent

Signature of District Superintendent

Date

Please return completed form to Peggy Russell, Williams Settlement Administrative Assistant
 CCCOE – 77 Santa Barbara Road, Pleasant Hill, CA 94523
 E-MAIL: prussell@cccoe.k12.ca.us

EXHIBIT 7



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/DQCensus/TchAssgnOutcomeLevels.aspx?aggllevel=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



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)

Document received by the CA 1st District Court of Appeal.

- 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 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/DQCensus/TchAssgnOutcomeLevels.aspx?aggllevel=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-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/DQCensus/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-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

EXHIBIT 8



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
HUMAN RESOURCES**

1108 Bissell Avenue
Richmond, CA 94801

Telephone (510) 231-1188 FAX (510) 237-6411

Kenneth C. Hurst, Sr., Ed.D.
Superintendent

Camille Johnson Ed. D.
Interim Associate Superintendent, HR

Via Email

April 10, 2024

Karissa Provenza
kprovenza@publicadvocates.org

Re: Response to Williams Complaint – Stege Elementary

Dear Ms. Provenza:

The West Contra Costa Unified School District (“District”) received a *Williams* Complaint bearing your signature, dated January 31, 2024, concerning teacher vacancy and misassignment issues at Stege Elementary School (“Complaint”).

I. COMPLAINT PROCEDURES

The District’s *Williams* Complaint procedures are set forth in District Administrative Regulation (“AR”) 1312.4 (Williams Uniform Complaint Procedures) and at California Code of Regulations, Title 5, sections 4680 et seq. To the extent you allege your Complaint is subject to them, these procedures originate from a school finance lawsuit that alleged the state failed to provide poor and underprivileged students with equal access to instructional materials, safe school facilities, and qualified teachers.¹ *Williams* and its settlement produced the *Williams* Complaint procedures to “establish minimum thresholds for teacher quality, instructional materials, and school facilities.” (See Senate Bill 550, Assem. Floor Analysis, June 8, 2004.) These procedures are intended to address, in summary, complaints that a student does not have textbooks or other required instructional materials; complaints of teacher vacancy or misassignment; or complaints related to the condition of facilities. (See California Code of Regulations Title 5, sections 4681-4683, and Education Code section 35186.)

II. ALLEGATIONS

Your Complaint raised the following issues:

Teacher vacancy or misassignment:

¹ See “The *Williams* Case -- An Explanation,” at <https://www.cde.ca.gov/eo/ce/wc/wmslawsuit.asp>

- Long-term substitute teachers have been assigned to cover classes since the beginning of the 2023-24 school year, serving as substitute in the same classroom for more than the 30- or 60-day authorization allowed under such permits.

Inaction by school administrators:

- A failure to develop a comprehensive, districtwide recruitment, development, hiring, and assignment plan 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.
- 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.
- A failure to provide comprehensive training and institutional support to those long-term substitutes who are currently covering classes at Stege Elementary School.

III. RESPONSE TO ALLEGATIONS

The District's ability to address the issues raised in the Complaint and its ongoing efforts to address related issues have been impacted by statewide systemic problems. The California Department of Education's ("CDE") most recent statistics show that, beginning in 2021, California school districts in general experienced a significant increase in teacher vacancies and a decline in newly issued teacher credentials. In 2023, upon passing S.B. 765, the California Legislature declared findings that "California's public education system was, prior to the COVID-19 pandemic, experiencing a severe educational workforce shortage." CDE also declared findings that the COVID-19 pandemic exacerbated this problem and that there has been an increase in the number of teachers choosing to leave the profession. On January 31, 2024, Senator Steve Padilla introduced Senate Bill 995 aimed at addressing California's severe teacher shortage. California currently ranks third in the nation for teacher shortages. Based on a recent EdSource article published December 4, 2023, California had more than 10,000 teacher vacancies during the 2021- 2022 school year. More information regarding these findings is available at the webpages linked below:

<https://edsources.org/2023/want-to-solve-the-teacher-shortage-start-with-increasing-salaries/701802#:~:text=According%20to%20the%20California%20Department,decline%20in%20nearly%20a%20decade>

<https://sd18.senate.ca.gov/news/senator-padilla-introduces-bill-reimagining-californias-teacher-credentialing-process-and>

<https://legiscan.com/CA/text/SB765/id/2837661>

<https://legiscan.com/CA/text/SB995/id/2972857>

Accordingly, the allegations of teacher vacancy and misassignment are sustained. However, the District has implemented districtwide recruiting, development, and hiring measures in response to the ongoing teacher shortage. The District continues to review and revise its recruitment strategies to increase its recruitment and retention of teachers.

The issues raised in the Complaint regarding substitute teachers' ability to teach the curricula and the agreed upon class size per teacher for grades Kindergarten through third grade are not issues subject to the *Williams* Complaint Procedures. As such, these allegations are not addressed in this response. As the issue of agreed upon class size arises under the District's collective bargaining agreement ("CBA") with United Teachers of Richmond ("UTR"), it may properly be raised under the CBA's grievance procedures.

IV. REMEDIAL MEASURES

The Complaint requests the following remedies: (1) fill the vacant positions within a reasonable period of time; (2) prioritize filling the vacancies at Title I schools without exacerbating the issue elsewhere by pulling educators from other high need schools; (3) cease using long-term substitutes to fill vacancies and implement districtwide processes to recruit and assign permanent teachers and refine the teacher development and support programs, including supporting classified staff interested in pathways to become teachers; (4) implement a districtwide stipend program to prepare and retain teachers certificated in their respective subject matters and to teach English learner students at Title I schools.

Although the allegations of teacher vacancy and misassignment are sustained, the District is currently unable to provide the requested remedies to the extent they require addressing statewide, systemic problems over which the District has little control, or to the extent they require the District to take action it is not permitted to take under the Educational Employment Relations Act ("EERA") without bargaining with the certificated employees' exclusive representative.

As to the first requested remedy, the Complaint identifies vacancies in Kindergarten, second grade, third grade, and fourth grade classrooms at Stege Elementary School. The vacancy in the Kindergarten classroom has existed since the beginning of the 2023-2024 school year. While the other classrooms were assigned permanent teachers at the start of the 2023-2024 school year, these vacancies remained unfilled for a number of reasons, including, but not limited to, teacher transfers and late notification received by the teacher assigned in 2022-2023. The District acknowledges it is out of compliance; however, it has been unable to fill these vacancies with permanent teachers. It has utilized long-term and day-to-day substitutes to provide support and supervision for the students and continues to search for qualified candidates. Any vacancy was not purposefully caused by the District.

As to the second requested remedy, the District has prioritized filling the vacancies. However, the District is cautious about mandating the assignments of its teachers. As stated above, the shortage of teachers is a statewide issue; therefore, teachers who are unsatisfied with the District's offers of employment at a specific school or grade level likely have opportunities to be employed with other school districts. Additionally, the District must follow the internal transfer and assignment process as outlined in the CBA. While filling teacher vacancies is a priority, the District's measures for assigning teachers and offers of employment must be balanced as to avoid alienating current employees and new recruits and violating the CBA.

Additionally, while the District is always engaged in recruiting efforts, the effectiveness of these efforts depends partly on what times of year it is able to begin recruiting for particular positions. Pursuant to Education Code section 44842, teachers must give notice of their intent not to return to employment by June 30. The District cannot begin to recruit to fill a vacancy created by a

teacher's decision not to return until it receives such notice. When the District receives notice at the end of the school year, recruiting to fill the resulting vacancy will be more difficult than recruiting at earlier times. Fewer candidates will be available to recruit and the time available for recruiting efforts will be more limited than if notice was received earlier.

As to the third requested remedy, in addition to its ordinary recruitment strategies, such as through job fairs and job boards, the District has implemented several districtwide recruitment and development measures in direct response to the teacher shortage. Since August 2023 to present, the District has attended 25 job recruitment fairs during the 2023-2024 school year. The District also posts jobs on at least six different job boards and uses a variety of social media platforms. The District has also taken measures to recruit new teachers and to provide pathways to employment as permanent teachers for classified employees and substitute teachers. The District recently hired Kristyn Loy as Coordinator of Teacher Residency Programs for the purpose of developing and promoting these pathways. The District also maintains partnerships with other public and nonprofit organizations for recruiting. Current partners include Cal State East Bay, Dominican University, UC Berkeley, TeachStart, and Teach for America. TeachStart is a nonprofit program that provides substitute teachers to District schools and supports substitutes in obtaining teaching credentials, such that the District may offer them employment as probationary certificated staff in the next school year. (**Exhibits A, B, and C.**)

Additionally, the District has bargained with UTR for Article 14 in the 2022-2025 CBA to provide an incentive for teachers to notify the District early if they intend to retire or resign at the end of the school year. Article 14, section 2.3(a) of the CBA provides that teachers who notify the District by February 1 shall receive a stipend of \$2,000. Also, Section 2.3(b) provides that teacher vacancies shall be communicated to UTR members as they become available. This measure supports the District's recruitment efforts by encouraging teachers to notify the District early if they do not intend to return for the next school year, allowing the District to begin recruiting to fill the vacancy at a more advantageous time than the end of the school year.

Other recruitment, development, and support measures are provided under the District's Teacher Induction Program, and Teacher Residency Program. The Teacher Induction Program promotes retention by providing support to certificated employees with preliminary credentials. The Teacher Residency Program offers participants support in obtaining teaching credentials and for the first years of teaching. More information about these programs is available at the webpages linked below:

<https://www.wccusd.net/tip>

<https://sites.google.com/wccusd.net/wcctr/teacher-residencies/teacher-residency-general->

43567138.3/

Page 5

[education](#)

<https://sites.google.com/wccusd.net/wcctr/teacher-residencies/sped-teacher-residency>

In addition, the District provides a pathway for classified employees to become certificated employees, offering classified employees tuition support and other assistance in obtaining teaching credentials. (**Exhibits B and C.**)

As to the fourth requested remedy, the EERA under Government Code section 3453.2 requires the District to negotiate with the exclusive representatives of its employees prior to making any change to matters within the scope of representation. The scope of representation includes matters relating to compensation, hours of employment, and other terms and conditions of employment, such as transfer and assignment procedures. Providing a new stipend would constitute a matter within the scope of representation as a change to compensation. Accordingly, the District is not permitted to provide a stipend to certificated employees without first negotiating with UTR. The District lacks the authority to unilaterally provide the requested remedy.

In summary, the issues raised in the Complaint arise from statewide, systemic problems. Addressing these issues is a priority for the District, and the District has taken measures in direct response to the underlying problems. However, the District's ability to remedy systemic problems in the short term is limited, as is its authority to unilaterally adopt measures that would affect the working conditions of its employees. The District has provided support and supervision for its students to the best of its ability within these limitations and has not purposefully caused any noncompliance.

V. CONCLUSION AND APPEAL RIGHTS

If you are not satisfied with the District's response to your Williams complaint, pursuant to Administrative Regulation 1312.4, you may describe the complaint to the District's Governing Board at a regularly scheduled Board meeting. For complaints involving a condition related to a facility or accessibility of textbooks, you have the right to file an appeal of this decision to the CDE, State Superintendent of Public Instruction, within 15 days of receiving the District's response.

This correspondence concludes the District's investigation.

Sincerely,

A handwritten signature in cursive script that reads "Camille Johnson".

Camille Johnson, Ed.D.
Interim Associate Superintendent, Human Resources

Enclosed: Exhibits A-C

43567138.3/

Document received by the CA 1st District Court of Appeal.



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
HUMAN RESOURCES**

1108 Bissell Avenue
Richmond, CA 94801

Telephone (510) 231-1188 FAX (510) 237-6411

Kenneth C. Hurst, Sr., Ed.D.
Superintendent

Camille Johnson Ed. D.
Interim Associate Superintendent, HR

Via Email

April 10, 2024

Karissa Provenza
kprovenza@publicadvocates.org

Re: Response to Williams Complaint – Helms Middle School

Dear Ms. Provenza:

The West Contra Costa Unified School District (“District”) received a *Williams* Complaint bearing your signature, dated January 31, 2024, concerning teacher vacancy and misassignment issues at Helms Middle School (“Complaint”).

I. COMPLAINT PROCEDURES

The District’s *Williams* Complaint procedures are set forth in District Administrative Regulation (“AR”) 1312.4 (Williams Uniform Complaint Procedures) and at California Code of Regulations, Title 5, sections 4680 et seq. To the extent you allege your Complaint is subject to them, these procedures originate from a school finance lawsuit that alleged the state failed to provide poor and underprivileged students with equal access to instructional materials, safe school facilities, and qualified teachers.¹ *Williams* and its settlement produced the *Williams* Complaint procedures to “establish minimum thresholds for teacher quality, instructional materials, and school facilities.” (See Senate Bill 550, Assem. Floor Analysis, June 8, 2004.) These procedures are intended to address, in summary, complaints that a student does not have textbooks or other required instructional materials; complaints of teacher vacancy or misassignment; or complaints related to the condition of facilities. (See California Code of Regulations Title 5, sections 4681-4683, and Education Code section 35186.)

II. ALLEGATIONS

Your Complaint raised the following issues:

¹ See “The *Williams* Case -- An Explanation,” at <https://www.cde.ca.gov/eo/ce/wc/wmslawsuit.asp>

Teacher Vacancies:

- Parents/caretakers do not know who is teaching their children’s classes 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.
- There have been 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 classroom with TeachStart fellows who are operating beyond the authorization of their substitute permits.

Inaction by school administrators:

- 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.
- 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 Helms Middle School.

III. RESPONSE TO ALLEGATIONS

The District’s ability to address the issues raised in the Complaint and its ongoing efforts to address related issues have been impacted by statewide systemic problems. The California Department of Education’s (“CDE”) most recent statistics show that, beginning in 2021, California school districts in general experienced a significant increase in teacher vacancies and a decline in newly-

issued teacher credentials. In 2023, upon passing S.B. 765, the California Legislature declared findings that “California’s public education system was, prior to the COVID-19 pandemic, experiencing a severe educational workforce shortage.” CDE also declared findings that the COVID-19 pandemic exacerbated this problem and that there has been an increase in the number of teachers choosing to leave the profession. On January 31, 2024, Senator Steve Padilla introduced Senate Bill 995 aimed at addressing California’s severe teacher shortage. California currently ranks third in the nation for teacher shortages. Based on a recent EdSource article published December 4, 2023, California had more than 10,000 teacher vacancies during the 2021- 2022 school year. More information regarding these findings is available at the webpages linked below:

<https://edsources.org/2023/want-to-solve-the-teacher-shortage-start-with-increasing-salaries/701802#:~:text=According%20to%20the%20California%20Department,decline%20in%20nearly%20a%20decade>

<https://sd18.senate.ca.gov/news/senator-padilla-introduces-bill-reimagining-californias-teacher-credentialing-process-and>

<https://legiscan.com/CA/text/SB765/id/2837661>

<https://legiscan.com/CA/text/SB995/id/2972857>

Accordingly, the allegations of teacher vacancy and misassignment are sustained. However, the District has implemented districtwide recruiting, development, and hiring measures in response to the ongoing teacher shortage. The District continues to review and revise its recruitment strategies to increase its recruitment and retention of teachers.

IV. REMEDIAL MEASURES

The Complaint requests the following remedies: (1) fill the vacant positions within a reasonable period of time; (2) prioritize filling the vacancies at Title I schools without exacerbating the issue elsewhere by pulling educators from other high need schools; (3) cease the 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; (4) implement a districtwide stipend program to prepare and retain teachers certificated in their respective subject matters and to teach English learner students at Title I schools.

The District is currently unable to provide the requested remedies to the extent they require addressing statewide, systemic problems over which the District has little control, or to the extent they require the District to take action it is not permitted to take under the Educational Employment Relations Act (“EERA”) without bargaining with the certificated employees’ exclusive representative.

As to the first requested remedy, the Complaint identifies vacancies in the following classes: 7th and 8th Grade Math in the Newcomers Academy program, 8th Grade Science, 8th Grade Math, and 8th Grade English. The Newcomers Academy Math class was covered by rolling substitutes and permanent teachers of other classes substituting between the beginning of the 2023-2024 school year and November 2023. Since November 2023, it has been covered by a long-term

substitute. The 8th Grade Science and Math classes have been covered by long-term substitutes since September 2023. The 8th Grade English class was covered by a permanent teacher at the beginning of the 2023-2024 school year, but this teacher was transferred in October 2023. Since October 2023, the class has been covered by long-term substitutes and permanent teachers of other classes substituting; currently, it is covered by a long-term substitute.

The District acknowledges it is out of compliance; however, it has been unable to fill these vacancies with permanent teachers. These vacancies have remained unfilled for a number of reasons, including, but not limited to, teacher transfers and late notification received by the teacher assigned in 2022-2023. It has utilized long-term and day-to-day substitutes to provide support and supervision for the students, and continues to search for qualified candidates. Any vacancy was not purposefully caused by the District.

As to the second requested remedy, the District has prioritized filling the vacancies. However, the District is cautious about mandating the assignments of its teachers. As stated above, the shortage of teachers is a statewide issue; therefore, teachers who are unsatisfied with the District’s offers of employment at a specific school or grade level will likely have opportunities to be employed with other school districts. Additionally, the District must follow the internal transfer and assignment process as outlined in the collective bargaining agreement (“CBA”) with United Teachers of Richmond (“UTR”). While filling teacher vacancies is a priority, the District’s measures for assigning teachers and offers of employment must be balanced as to avoid alienating current employees and new recruits and violating the CBA.

Further, while the District is always engaged in recruiting efforts, the effectiveness of these efforts depends partly on what times of year it is able to begin recruiting for particular positions. Pursuant to Education Code section 44842, teachers must give notice of their intent not to return to employment by June 30. The District cannot begin to recruit to fill a vacancy created by a teacher’s decision not to return until it receives such notice. When the District receives notice close to the deadline, at the end of the school year, recruiting to fill the resulting vacancy will be more difficult than recruiting at earlier times. Fewer candidates will be available to recruit and the time available for recruiting efforts will be more limited than if notice was received earlier.

As to the third requested remedy, in addition to its ordinary recruitment strategies, through job fairs and job boards, the District has implemented several districtwide recruitment and development measures in direct response to the teacher shortage. Since August 2023 to present, the District has attended 25 job recruitment fairs during the 2023-2024 school year. The District also posts jobs on at least six different job boards and uses a variety of social media platforms. The District has also taken measures to recruit new teachers and to provide pathways to employment as permanent teachers for classified employees and substitute teachers. The District hired Kristyn Loy, Coordinator of Teacher Residency Programs, for the purpose of developing and promoting these pathways. The District also maintains partnerships with other public and nonprofit organizations for recruiting. Current partners include Cal. State East Bay, Dominican University, UC Berkeley, TeachStart, and Teach for America. TeachStart is a nonprofit program that provides substitute teachers to District schools and supports substitutes in obtaining teaching credentials, such that the District may offer them employment as probationary certificated staff in

the next school year. (Exhibits A, B, and C.)

Additionally, the District has bargained with United Teachers of Richmond (“UTR”) for Article 14 in the 2022-2025 collective bargaining agreement (“CBA”) to provide an incentive for teachers to notify the District early if they intend to retire or resign at the end of the school year. Article 14, section 2.3(a) of the CBA provides that teachers who notify the District by February 1 shall receive a stipend of \$2,000. Also, Section 2.3(b) provides that teacher vacancies shall be communicated to UTR members as they become available. This measure supports the District’s recruitment efforts by encouraging teachers to notify the District early if they do not intend to return for the next school year, allowing the District to begin recruiting to fill the vacancy at a more advantageous time than the end of the school year.

Other recruitment, development, and support measures are provided under the District’s Teacher Induction Program, and Teacher Residency Program. The Teacher Induction Program promotes retention by providing support to certificated employees with preliminary credentials. The Teacher Residency Program offers participants support in obtaining teaching credentials and for the first years of teaching. More information about these programs is available at the webpages linked below:

<https://www.wccusd.net/tip>

<https://sites.google.com/wccusd.net/wcctr/teacher-residencies/teacher-residency-general-education>

<https://sites.google.com/wccusd.net/wcctr/teacher-residencies/sped-teacher-residency>

In addition, the District provides a pathway for classified employees to become certificated employees, offering classified employees tuition support and other assistance in obtaining teaching credentials. (**Exhibits B and C.**)

As to the fourth requested remedy, the EERA under Government Code section 3453.2 requires the District to negotiate with the exclusive representatives of its employees prior to making any change to matters within the scope of representation. The scope of representation includes matters relating to compensation, hours of employment, and other terms and conditions of employment, such as transfer and assignment procedures. Providing a new stipend to would constitute a matter within the scope of representation as a change to compensation. Accordingly, the District is not permitted to provide a stipend to certificated employees without first negotiating with UTR. The District lacks the authority to unilaterally provide the requested remedy.

In summary, the issues raised in the Complaint arise from statewide, systemic problems. Addressing these issues is a priority for the District, and the District has taken measures in direct response to the underlying problems. However, the District’s ability to remedy systemic problems in the short term is limited, as is its authority to unilaterally adopt measures that would affect the working conditions of its employees. The District has provided support and supervision for its students to the best of its ability within these limitations and has not purposefully caused any noncompliance.

V. CONCLUSION AND APPEAL RIGHTS

If you are not satisfied with the District’s response to your Williams complaint, pursuant to Administrative Regulation 1312.4, you may describe the complaint to the District’s Governing Board at a regularly scheduled Board meeting. For complaints involving a condition related to a facility or accessibility of textbooks, you have the right to file an appeal of this decision to the CDE, State Superintendent of Public Instruction, within 15 days of receiving the District’s

response.

This correspondence concludes the District's investigation.

Sincerely,

A handwritten signature in black ink that reads "Camille Johnson". The signature is written in a cursive, flowing style.

Camille Johnson, Ed.D.
Interim Associate Superintendent, Human Resources

Enclosed: Exhibits A-C

50226067.3/

Document received by the CA 1st District Court of Appeal.



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
HUMAN RESOURCES**

1108 Bissell Avenue
Richmond, CA 94801

Telephone (510) 231-1188 FAX (510) 237-6411

Kenneth C. Hurst, Sr., Ed.D.
Superintendent

Camille Johnson Ed. D.
Interim Associate Superintendent, HR

Via Email

April 10, 2024

Karissa Provenza
kprovenza@publicadvocates.org

Re: Response to Williams Complaint – John F. Kennedy High School

Dear Ms. Provenza:

The West Contra Costa Unified School District (“District”) received a *Williams* Complaint bearing your signature, dated January 31, 2024, concerning teacher vacancy and misassignment issues at John F. Kennedy High School (“Complaint”).

I. COMPLAINT PROCEDURES

The District’s *Williams* Complaint procedures are set forth in District Administrative Regulation (“AR”) 1312.4 (Williams Uniform Complaint Procedures) and at California Code of Regulations, Title 5, sections 4680 et seq. To the extent you allege your Complaint is subject to them, these procedures originate from a school finance lawsuit that alleged the state failed to provide poor and underprivileged students with equal access to instructional materials, safe school facilities, and qualified teachers.¹ *Williams* and its settlement produced the Williams Complaint procedures to “establish minimum thresholds for teacher quality, instructional materials, and school facilities.” (See Senate Bill 550, Assem. Floor Analysis, June 8, 2004.) These procedures are intended to address, in summary, complaints that a student does not have textbooks or other required instructional materials; complaints of teacher vacancy or misassignment; or complaints related to the condition of facilities. (See California Code of Regulations Title 5, sections 4681-4683, and Education Code section 35186.)

II. ALLEGATIONS

Your Complaint raised the following issues:

Teacher Vacancies:

¹ See “The *Williams* Case -- An Explanation,” at <https://www.cde.ca.gov/eo/ce/wc/wmslawsuit.asp>

Document received by the CA 1st District Court of Appeal.

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

Inaction by school administrators:

- 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.
- 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.

III. RESPONSE TO ALLEGATIONS

The District's ability to address the issues raised in the Complaint and its ongoing efforts to address related issues have been impacted by statewide systemic problems. The California Department of Education's most recent statistics show that, beginning in 2021, California school districts in general experienced a significant increase in teacher vacancies and a decline in newly issued teacher credentials. In 2023, upon passing S.B. 765, the California Legislature declared findings that "California's public education system was, prior to the COVID-19 pandemic, experiencing a severe educational workforce shortage." It also declared findings that the COVID-19 pandemic exacerbated this problem and that there has been an increase in the number of teachers choosing to leave the profession. On January 31, 2024, Senator Steve Padilla introduced Senate Bill 995 aimed at addressing California's severe teacher shortage. California currently ranks third in the nation for teacher shortages. Based on a recent EdSource article published December 4, 2023, California had more than 10,000 teacher vacancies during the 2021-2022 school year. More information regarding these findings is available at the webpages linked below:

<https://edsources.org/2023/want-to-solve-the-teacher-shortage-start-with-increasing-salaries/701802#:~:text=According%20to%20the%20California%20Department,decline%20in%20nearly%20a%20decade>

<https://sd18.senate.ca.gov/news/senator-padilla-introduces-bill-reimagining-californias-teacher-credentialing-process-and>

<https://legiscan.com/CA/text/SB765/id/2837661>

<https://legiscan.com/CA/text/SB995/id/2972857>

Accordingly, the allegations of teacher vacancies are sustained. However, the District has implemented districtwide recruiting, development, and hiring measures in response to the ongoing teacher shortage. The District continues to review and revise its recruitment strategies to increase its recruitment and retention of teachers.

The Complaint also alleges that classes are being covered by permanent certificated employees assigned work up to 120% of their ordinary job responsibilities. As noted in the Complaint, covering vacancies by assigning additional work to permanent certificated employees of the District is not an issue subject to the *Williams* complaint procedures. As such, this allegation is not addressed in this response.

IV. REMEDIAL MEASURES

The Complaint requests the following remedies: (1) fill the vacant positions within a reasonable period of time; (2) prioritize filling the vacancies at Title I schools without exacerbating the issue elsewhere by pulling educators from other high need schools; (3) 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; (4) implement a districtwide stipend program to prepare and retain teachers certificated in their respective subject matters and to teach English learner students at Title I schools.

The District is currently unable to provide the requested remedies to the extent they require addressing statewide, systemic problems over which the District has little control, or to the extent they require the District to take action it is not permitted to take under the Educational Employment Relations Act (“EERA”) without bargaining with the certificated employees’ exclusive representative.

As to the first requested remedy, the Complaint identifies vacancies in the following classes: Multi grade English Language Development, 12th Grade CSU Expository Reading and Writing, 6th Period Physical Education, and Music. At the beginning of the school year, the same permanent teacher was assigned to both Multi-grade English Language Development and 12th Grade CSU Expository Reading and Writing Curriculum, however, this teacher departed in September 2023. These class periods were covered by day-to-day substitutes and permanent teachers of other classes acting as substitutes until October 2023, after which they were covered by a long-term substitute; currently, they are covered by day-to-day substitutes. 6th Period Physical Education has been covered by a long-term or day-to-day substitute since fall 2023. Four periods of Music have been covered by a permanent teacher working 120% of their job responsibilities, while vacancies exist for two periods covered by day-to-day substitutes.

The District acknowledges it is out of compliance regarding the vacancies that have not been filled,

and which are currently covered by long-term or day-to-day substitutes. However, it has been unable to fill these vacancies with permanent teachers. These vacancies have remained unfilled for a number of reasons, including, but not limited to, teacher transfers and late notification received by the teacher assigned in 2022-2023. It has utilized long-term and day-to-day substitutes to provide support and supervision for the students and continues to search for qualified candidates. Any vacancy was not purposefully caused by the District.

As to the second requested remedy, the District has prioritized filling the vacancies. However, the District is cautious about mandating the assignments of its teachers. As stated above, the shortage of teachers is a statewide issue; therefore, teachers who are unsatisfied with the District's offers of employment at a specific school or grade level will likely have opportunities to be employed with other school districts. Additionally, the District must follow the internal transfer and assignment process as outlined in the collective bargaining agreement ("CBA") with United Teachers of Richmond ("UTR"). While filling teacher vacancies is a priority, the District's measures for assigning teachers and offers of employment must be balanced as to avoid alienating current employees and new recruits and violating the CBA.

Additionally, while the District is always engaged in recruiting efforts, the effectiveness of these efforts depends partly on what times of year it is able to begin recruiting for particular positions. Pursuant to Education Code section 44842, teachers must give notice of their intent not to return to employment by June 30. The District cannot begin to recruit to fill a vacancy created by a teacher's decision not to return until it receives such notice. When the District receives notice at the end of the school year, recruiting to fill the resulting vacancy will be more difficult than recruiting at earlier times. Fewer candidates will be available to recruit and the time available for recruiting efforts will be more limited than if notice was received earlier.

As to the third requested remedy, in addition to its ordinary recruitment strategies, such as through job fairs and job boards, the District has implemented several districtwide recruitment and development measures in direct response to the teacher shortage. Since August 2023 to present, the District has attended 25 job recruitment fairs during the 2023-2024 school year. The District also posts jobs on at least six different job boards and uses a variety of social media platforms. The District has also taken measures to recruit new teachers and to provide pathways to employment as permanent teachers for classified employees and substitute teachers. The District recently hired Kristyn Loy as Coordinator of Teacher Residency Programs for the purpose of developing and promoting these pathways. The District also maintains partnerships with other public and nonprofit organizations for recruiting. Current partners include Cal. State East Bay, Dominican University, UC Berkeley, TeachStart, and Teach for America. TeachStart is a nonprofit program that provides substitute teachers to District schools and supports substitutes in obtaining teaching credentials, such that the District may offer them employment as probationary certificated staff in the next school year. (**Exhibits A, B, and C.**)

Additionally, the District has bargained with UTR for Article 14 of the 2022-2025 CBA to provide an incentive for teachers to notify the District early if they intend to retire or resign at the end of the school year. Article 14, section 2.3(a) of the CBA provides that teachers who notify the District by February 1 shall receive a stipend of \$2,000. Also, Section 2.3(b) provides that teacher vacancies shall be communicated to UTR members as they become available. This measure supports the District's recruitment efforts by encouraging teachers to notify the District early if they do not intend to return for the next school year, allowing the District to begin recruiting to fill the vacancy at a more advantageous time than the end of the school year.

Other recruitment, development, and support measures are provided under the District's Teacher Induction Program, and Teacher Residency Program. The Teacher Induction Program promotes

retention by providing support to certificated employees with preliminary credentials. The Teacher Residency Program offers participants support in obtaining teaching credentials and for the first years of teaching. More information about these programs is available at the webpages linked below:

<https://www.wccusd.net/tip>

<https://sites.google.com/wccusd.net/wcctr/teacher-residencies/teacher-residency-general-education>

<https://sites.google.com/wccusd.net/wcctr/teacher-residencies/sped-teacher-residency>

The District also provides a pathway for classified employees to become certificated employees, offering classified employees tuition support and other assistance in obtaining teaching credentials. (**Exhibits B and C.**)

As to the fourth requested remedy, the EERA under Government Code section 3453.2 requires the District to negotiate with the exclusive representatives of its employees prior to making any change to matters within the scope of representation. The scope of representation includes matters relating to compensation, hours of employment, and other terms and conditions of employment, such as transfer and assignment procedures. Providing a new stipend would constitute a matter within the scope of representation as a change to compensation. Accordingly, the District is not permitted to provide a stipend to certificated employees without first negotiating with UTR. The District lacks the authority to unilaterally provide the requested remedy.

In summary, the issues raised in the Complaint arise from statewide, systemic problems. Addressing these issues is a priority for the District, and the District has taken measures in direct response to the underlying problems. However, the District's ability to remedy systemic problems in the short term is limited, as is its authority to unilaterally adopt measures that would affect the working conditions of its employees. The District has provided support and supervision for its students to the best of its ability within these limitations and has not purposefully caused any noncompliance.

V. CONCLUSION AND APPEAL RIGHTS

50225052.1/

Page 6

If you are not satisfied with the District's response to your Williams complaint, pursuant to Administrative Regulation 1312.4, you may describe the complaint to the District's Governing Board at a regularly scheduled Board meeting. For complaints involving a condition of a facility, you have the right to file an appeal of this decision to the CDE, State Superintendent of Public Instruction, within 15 days of receiving the District's response.

This correspondence concludes the District's investigation.

Sincerely,

Document received by the CA 1st District Court of Appeal.



Camille Johnson, Ed.D.
Interim Associate Superintendent, Human Resources

Enclosed: Exhibits A-C

50225052.1/

Document received by the CA 1st District Court of Appeal.

EXHIBIT 9



**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
HUMAN RESOURCES**

1108 Bissell Avenue
Richmond, CA 94801-313
Telephone (510) 231-1188 FAX (510) 237-6411

Kenneth C. Hurst, Sr., Ed. D.
Superintendent

Camille Johnson Ed. D.
Interim Associate Superintendent, HR

Via Email

May 6, 2024

Karissa Provenza
kprovenza@publicadvocates.org

Re: Response to Your Letter of April 18, 2024 Concerning January 31, 2024 Williams Complaints

Dear Ms. Provenza:

This correspondence constitutes the West Contra Costa Unified School District's ("District") response to your letter of April 18, 2024, appealing the District's response to your *Williams* Complaints of January 31, 2024. received a *Williams* Complaint bearing your signature, dated January 31, 2024, concerning teacher vacancy and misassignment issues at Stege Elementary School ("Complaint").

Your letter requests a "targeted plan" for addressing teacher vacancies in the positions below:

Stege Elementary School

- I. Kindergarten: vacant since the beginning of the 2023/24 school years.
- II. 2nd/3rd grade combination: vacant since September 2023.
- III. 3rd grade: vacant since the fall of 2023.
- IV. 4th grade: vacant since October 2023.

Helms Middle School

- I. 8th grade Science: vacant since September 2023.
- II. 8th grade Math: vacant since September 2023.
- III. 7th/8th grade Newcomers Math: vacant since the beginning of the 2023/24 school year.
- IV. 8th grade English: vacant since October 2023.

Kennedy High School

- I. Multi-grade ELD: vacant since September 2023.
- II. 12th grade CSU Expository Reading and Writing: vacant since September 2023.
- III. 6th Period Physical Education: vacant since the fall of 2023.
- IV. Music (2 periods): vacant since the beginning of the 2023/24 school year.

Your letter also requests a meeting between the District, the complainants, and the complainants' representative to "gain clarity" on these vacancies and provide "thought partnership" on the District's plans.

The District's initial response explained that the District's options for filling the vacancies are limited by the ongoing, statewide teacher shortage. The District exercises caution in mandating the assignments of certificated employees, as the current circumstances create a high risk that employees who are unsatisfied with the District's offers of employment will seek employment with other school districts. Your letter argues that while this is the case, the District has a duty to use a legal remedy for each of the identified vacancies, such as placing credentialed administrators into classrooms, assigning employees with Short-Term Staff Permits ("STSP") or Provisional Internship Permits ("PIP"), or employing retired credentialed teachers.

Since 2023, the District has used PIPs and variable term waivers under Education Code section 44258.3 as part of its efforts to fill teacher vacancies that could not be filled by fully-credentialed certificated employees. The District has also used teachers on special assignment ("TOSA") and non-classroom certificated staff on special assignment to fill vacancies which exist at the beginning of the school year. However, the District has limited ability to keep these staff members in their special assignments through the end of the school year, as the District typically receives requests from United Teachers of Richmond to return them to their original assignments after the first few weeks of the school year have passed.

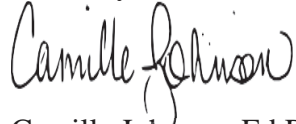
Additionally, the District employs retired credentialed teachers to fill certain vacancies. However, the District's ability to assign retirees is dependent on retirees' interest in assignment. Moreover, they typically can be assigned only to short-term vacancies, or vacancies in shared positions. This is because retirees generally cannot be assigned to a class for a full year, as retirees who work while receiving CalSTRS retirement benefits are subject to earnings limitations.

In summary, the District has considered legal emergency measures, including measures noted in your letter, and implemented such measures in its efforts to address teacher vacancies. However, the District has thus far been unable to remedy all existing teacher vacancies using these measures, and some measures are limited in their applicability.

After receiving your letter, the District contacted all retirees to determine whether any would accept assignment to remedy an identified vacancy. At this time, the District has not yet confirmed which, if any retirees will be available for such assignment. As such, on the timeline you requested, the District has not been able to prepare a targeted plan for each of the vacancies

identified in your letter and in your initial *Williams* Complaints. Nevertheless, in the interest of clarifying the issues surrounding the identified vacancies and ensuring that they are ultimately remedied using legal measures, the District agrees to meet with complainants and their representative as requested in your letter.

Sincerely,

A handwritten signature in cursive script that reads "Camille Johnson". The signature is written in black ink and is positioned above the printed name.

Camille Johnson, Ed.D.
Interim Associate Superintendent, Human Resources

EXHIBIT 10



Appeal to the WCCUSD Governing Board

VIA EMAIL

Jamela Smith-Folds, President
Otheree Christian, Trustee
Mister Phillips, Trustee
Demetrio Gonzalez Hoy, Clerk
Leslie Reckler, Trustee

West Contra Costa Unified School District

April 18, 2024

Re: Appeal to Board re District Response to *Williams* Teacher Complaints – Stege Elementary, Helms Middle, and Kennedy High

Dear Board President Smith-Folds and Board Members:

On behalf of complainants Sam Cleare, Jeremiah Romm, and Cristina Huerta, Public Advocates is writing in response to the District’s letters, dated April 10, 2024, regarding the *Williams* complaints we filed on January 31, 2024, concerning teacher vacancies at Stege Elementary, Helms Middle, and Kennedy High.

Per California Education Code Section 35186(b), “[t]he principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.” The District’s response admits that the complaints are valid and that the unlawful vacancies do indeed exist. Yet, rather than demonstrating how the District remedied the valid complaints 30 working days after January 31 as required, the response evinces a plan to leave the unlawful vacancies in place without any specific remedy for the hundreds of affected students, all of whom have been experiencing unlawful, substandard learning environments for six months or more.

The District has a mandatory duty to have already remedied these vacancies with a single, designated and properly certificated permanent teacher for the remainder of the year. Please provide us with an acceptable plan by no later than ten (10) days from today, April 29, 2024, that explains how each of the positions detailed below will immediately be remedied.

TEACHER VACANCIES

Stege Elementary School

- I. Kindergarten: vacant since the beginning of the 2023/24 school year.
- II. 2nd/3rd grade combination: vacant since September 2023.
- III. 3rd grade: vacant since the fall of 2023.
- IV. 4th grade: vacant since October 2023.

Helms Middle School

- I. 8th grade Science: vacant since September 2023.
- II. 8th grade Math: vacant since September 2023.
- III. 7th/8th grade Newcomers Math: vacant since the beginning of the 2023/24 school year.
- IV. 8th grade English: vacant since October 2023.

Kennedy High School

- I. Multi-grade ELD: vacant since September 2023.
- II. 12th grade CSU Expository Reading and Writing: vacant since September 2023.
- III. 6th Period Physical Education: vacant since the fall of 2023.
- IV. Music (2 periods): vacant since the beginning of the 2023/24 school year.

CONCLUSION

As acknowledged in the District's response, the practice of using long-term and day-to-day substitutes to cover teacher vacancies is illegal, and must be discontinued. If any of the long-term substitutes currently covering these vacancies are legally authorized to be permanently assigned to one or more of these classes, then this should be made clear, as that could potentially be a viable short term solution. Otherwise, other short term emergency remedies exist, including: placing credentialed administrators into these classrooms to conclude the school year, employing individuals who hold a [Short-Term Staff Permit \(STSP\)](#) or a [Provisional Internship Permit \(PIP\)](#), or employing retired credentialed teachers rather than covering the vacancies illegally with day-to-day substitutes or substitutes working beyond their authorization.¹

We recognize that school districts across California are being impacted by the educational workforce shortage. That reality does not relieve WCCUSD or any other district from its duty to fill each class with a single, designated permanent certified teacher. If circumstances preclude a district from assigning a fully-credentialed teacher, California law permits any number of emergency-credentialed, provisional certifications, including those set forth above, which ensure at least a minimum level of training to instruct a class for an entire year.

¹ The holder of an Emergency 30-Day Substitute Teaching Permit 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.

Accordingly, we and our clients are entitled to the requested response setting forth the District's plan for filling each position with lawfully assigned teachers. Therefore, we request the following:

- A corrected response from the District no later than April 29, 2024, which presents a targeted plan for addressing each vacancy; and
- A meeting with the District to gain clarity on these vacancies and provide thought partnership on the District's plan to address them.

Should the District's response continue to prove inadequate, we and our clients reserve all rights to pursue additional legal measures, including by filing suit in a California Superior Court to compel lawful compliance.

Thank you for your prompt attention to this matter. If you have any questions, please contact Karissa Provenza at kprovenza@publicadvocates.org



Date: 04/18/2024

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

CC:

Dr. Kenneth Chris Hurst, Superintendent
chris.hurst@wccusd.net

Dr. Camille Johnson, Associate Superintendent of HR, Interim
camillejohnson@wccusd.net

EXHIBIT 11

466	112881	Closed Work Orders	2019 FIT Williams - FOR SITE CUSTODIAN Clean the windows of bird droppings in back of room 9. The gate at the back of room 12 needs to be locked and used with panic hardware to open. The chains and lock can only be used after school hours. Gates by MPR and by upper grade girls restroom by the office must be kept open during school hours. Inform teachers to not block the secondary exit door in every classroom; there must be a clear exit to the doors.		1/30/2019	2/11/2019
467	113184	Closed Work Orders	Heater in room 16 is not working. Thank you.	fitted , changed the control module	2/5/2019	2/7/2019
468	113189	Closed Work Orders	While it was raining last night the ceiling was leaking in room 16. Thank you.	sealed roof where leak was caused by a roof sample was taken and never sealed	2/5/2019	3/13/2019
469	113488	Closed Work Orders	There is mold all around the inside windows in room 4. Can we please have someone come take a look. Thank you.	clean mildew from window frames ,prime and paint in rms 2,4 ,6.	2/11/2019	3/12/2019
470	113533	Closed Work Orders	Install a fence for the new portable.	build 140 of 7 foot fence casey 12 hours mark 5 hours oscar 5 hours roger 5 hours	2/12/2019	2/26/2019
472	113969	Closed Work Orders	We have mice in the supply room. Many droppings on shelves. They have chewed through some of the supply packaging and boxes. Pest control has placed a trap on the floor in the corner but it is not helping.	Pest control notified. Please log this in your pest control binder.	2/27/2019	2/27/2019
473	114013	Closed Work Orders	The double door refrigerator is leaking water from the top.	New temp control	2/28/2019	3/13/2019

288	101892	Closed Work Orders	It was reported that there is a strong odor in the women's restroom (portable restroom between 28 and 29). The reports state it might be a sewer smell. The custodians keep the restroom clean top to bottom so not sure what else it could be. Any questions speak to the ladies in portable 25. Thanks!	checked sewermain doesnt seem to be backed up water seems to be flowing smell maybe fro drains not having water poured in them	4/23/2018	6/6/2018
290	101992	Closed Work Orders	Unable to put key in door of room 10.	Work has been completed, work order has been closed several times but keeps returning for some unknown reason.	4/26/2018	10/19/2018
291	101993	Closed Work Orders	Door handle is loose. Thank you	Work has been completed, work order has been closed several times but keeps returning for some unknown reason.	4/26/2018	10/19/2018
292	101995	Closed Work Orders	Door handle very loose. Thank you.	just time	4/26/2018	4/27/2018
294	102062	Closed Work Orders	Ground drain on playground (near cafeteria) needs to have cement or gravel put inside it to maintain the water level to the top of the grate. Thank You.	done by casey	4/27/2018	6/12/2018
295	102064	Closed Work Orders	Door handle is broken on office restroom door. Thank You.	Work has been completed, work order has been closed several times but keeps returning for some unknown reason.	4/27/2018	10/19/2018
296	102079	Closed Work Orders	The bathroom and custodial room in the cafeteria smells like mold. Thank you.	Removed and replaced floor.	4/30/2018	5/30/2018

529	120938	Closed Work Orders	Two of the toilets are not flushing properly. Thank you.	changed 2 sloan valves	9/19/2019	9/25/2019
530	120990	Closed Work Orders	The door closer is broken. Thank you.	replace	9/20/2019	9/30/2019
531	120991	Closed Work Orders	The basketball backboard is broken. Thank you.	Duplicate.	9/20/2019	9/20/2019
532	121253	Closed Work Orders	Boys restroom needs a new door closer on bathroom door.	Pest control notified.	9/26/2019	9/26/2019
533	121461	Closed Work Orders	Sensors in zone 5 may be faulty system has been going off constantly every night.	replaced the faulty alarm devices in zone 5 with wireless alarm devices.	10/1/2019	1/11/2021
535	122086	Closed Work Orders	The heater in room #15 is not working. Thank you.	Fitted, changed control module, induce fan motor	10/10/2019	10/11/2019
536	122320	Closed Work Orders	Classroom #18 has 9 broken tiles. Thank you.	Replaced all loose/missing tiles.	10/14/2019	10/15/2019
537	122735	Closed Work Orders	2019 Williams Inspection Main building rooms 13 - 20 exterior poor building hygiene; unabated cobwebs, dust, and debris at most buildings.		10/17/2019	10/29/2019
538	122736	Closed Work Orders	2019 Williams Inspection Main building boys restroom inop exhaust fan.	replaced blower motor	10/17/2019	11/9/2019
539	122737	Closed Work Orders	2019 Williams Inspection Main building boys restroom odor in restroom.		10/17/2019	10/29/2019
540	122738	Closed Work Orders	2019 Williams Inspection Main building boys restroom damaged toilet paper holder.		10/17/2019	10/29/2019
541	122739	Closed Work Orders	2019 Williams Inspection Main building boys restroom missing door knob.	fix	10/17/2019	1/28/2020
542	122740	Closed Work Orders	2019 Williams Inspection Hallways - uneven concrete near room 7.		10/17/2019	6/1/2020

EXHIBIT 12

California Legal One-Year Authorizations for Filling Teacher Vacancies

A Local Education Agency (LEA) must only employ teachers who possess the qualifications for the positions they are assigned. California Education Code § 44830(a). When a vacancy exists, LEAs must first attempt to find a fully prepared educator (Professional Clear or Preliminary) to fill the position. If the LEA cannot find a fully prepared educator to permanently fill the position, they may choose from the list below of one year authorizations. Note, authorizations for the teacher assigned to fill a vacancy must be for the full year (or the full semester for semester courses) pursuant to Cal. Ed. Code § 35186 and its implementing regulations Cal. Code Regs. Tit. 5 §§ 4680, 4682, which outlaws assigning any teacher to a vacancy who is not a single, designated permanent teacher for the duration of the course. Short term (30 or 60-day) substitutes, by definition, cannot be assigned as a permanent teacher.

PROFESSIONAL CLEAR AND PRELIMINARY CREDENTIALS

A Preliminary credential is valid for five years and cannot be renewed. Holders of a Preliminary credential must complete the additional specific requirements based on their preparation pathway to qualify as Clear. Professional Clear credentials are valid for life, but must be renewed every five years. A Clear credential signifies that all education and program requirements are met. Core requirements for both Preliminary and Clear credentials include: a B.A., Subject Matter Competency, CBEST, and completion of a teacher preparation program. Cal. Ed. Code § 44251.

Multiple Subject Matter Authorization (for K-8 classrooms, also known as a standard elementary teaching credential)	Single Subject Authorization (for single subject middle school and high school classrooms, also known as a standard secondary teaching credential)	Education Specialist (for special education instruction)
Holds a Preliminary or Clear credential to serve in a Self-Contained classroom PK-12. Cal. Ed. Code § 44526(b).	Holds a Preliminary or Clear credential to serve in a Departmentalized classroom grades 7-12. Cal. Ed. Code § 44526(a); Cal. Code Regs. Tit. 5 § 80005.	Holds a Preliminary or Clear credential with advanced preparation or special competence including reading specialist, math specialist, special education, or early childhood education. Cal. Ed. Code § 44526(c).

INTERN

If a fully credentialed teacher is not available, an LEA may fill a vacancy with a candidate who is “scheduled to complete preliminary credential requirements within six months,” or a candidate who is enrolled in a university or district internship program. Cal. Ed. Code § 44225.7(a).

University Intern (a university-based program for training teachers to earn their preliminary credential while they are also undertaking full classroom teacher responsibilities)	District Intern (a district-based program for training teachers to earn their preliminary credential while they are also undertaking full classroom teacher responsibilities)
Available to individuals who are enrolled in a college or university intern program, to provide classroom experience while they complete their course work requirements for a multiple subjects, single subject or ed specialist preliminary credential. Valid for two calendar years, with the option to extend for one year if the individual cannot complete the program due to hardship. Cal. Ed. Code § 4452, 44325.	Depending on the district program and authorization, the individual can teach K-8 or 6-12 or K-12 if they have a Education Specialist Authorization. Multiple and Single subject District Intern credentials are valid for three years, with the option for a one year extension if the intern needs additional time to complete the Professional Development and experience requirements. Cal. Ed. Code § 44325.

LOCAL TEACHING ASSIGNMENT OPTIONS

School districts may assign a fully credentialed educator (i.e., holding a professional clear or preliminary credential) to

serve in an assignment outside of their authorized subject matter or credential area, if specified criteria is met. Cal. Ed. Code § 44258.3.

For holders of Multiple Subjects/Standard elementary credential	For holders of Single Subject/Standard secondary Teaching credential	For regular credential holders	Any regular teaching credential holder + Special Skills and Prep in Elective	Any regular teaching Credential (Elementary and Secondary) holder
With the teacher's consent and additional relevant coursework, can be assigned to teach any subject below grade 9. Cal. Ed. Code § 44256(b).	With the teacher's consent and additional relevant coursework, can be assigned to grades 5-8 in a Departmentalized (i.e., single subject) classroom. Cal. Ed. Code § 44258.2.	If the teacher can demonstrate "adequate knowledge of each subject" according to local district policies and procedures and consents, they can be assigned to any Departmentalized or Self-Contained class K-12 grade. Cal. Ed. Code § 44258.3.	A full-time teacher grades 1-12 with special skills and preparation may be assigned to an elective course , in the area of their special skills or preparation, in a Departmentalized (i.e., single subject) setting, for a maximum of one school year unless extended. Cal. Ed. Code § 44258.7(c)(d).	May teach a single subject class or a multi subject class in a Self-Contained setting K-12 grade if they hold the appropriate credentials and obtain additional relevant coursework. Maximum of one year, may be renewed annually. Cal. Ed. Code § 44263.

EMERGENCY-STYLE TEACHING PERMITS

Short-Term Staff Permit (STSP)	Teaching Permit for Statutory Leave (TPSL)	Provisional Internship Permit (PIP)
Available for Multiple Subject, Single Subject, and Education Specialists. Authorized for Self-Contained classrooms (i.e., as used by most elementary schools). Holders of Multiple Subject STSP authorizations may teach in any Self-Contained class K-12. Available for one school year. Cal. Code Regs. Tit. 5, § 80021.	At the request of an employing agency, individuals may temporarily fill a position where the teacher of record is unable to teach due to a specified statutory leave (i.e. medical, military, or administrative leave). A holder of a TPSL may teach in any Self-Contained or Departmentalized classroom based on their authorization (Multiple subject or Single Subject). A TPSL permit is valid for one year with options for renewal. Cal. Code. Regs. Tit. 5, § 80022.	Available to individuals who have not yet met the subject matter competence required to enter an intern program. Available for Multiple Subject, Single Subject, and Education Specialist assignments based on the successful completion of course work per permit type. Available for one year. Cal. Code Regs. Tit. 5, § 80021.1.

WAIVERS

Credentialing requirements may be waived by the CTC, at the request of the school district generally for one year or less to address unanticipated, immediate, short-term shortages and provide flexibility to small, geographically isolated regions. Cal. Ed. Code § 44225(m)(1).

Short-Term Waiver	Variable Term Waiver
<p>Individuals who hold basic teaching credentials may teach outside their credentialed authorizations for LEAs in short-term immediate need. May be issued only once to an individual and only once for a given class.¹</p>	<p>Allows LEAs to assign an individual who has not yet completed their credentials until the LEA finds a teacher with the appropriate qualifications. Individuals are provided additional time to complete a credential requirement. May be issued for any length of time depending on exceptions based on circumstances; most issued for one year or less.²</p>

¹ Commission on Teacher Credentialing, *Waivers*, <https://www.ctc.ca.gov/credentials/certification-glossary/Waivers>.

² *Id.*

EXHIBIT 3

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18 laura.perry@mto.com
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20 560 Mission Street
21 San Francisco, CA 94105
22 Telephone: (415) 512-4000

23 *Counsel for Petitioners*

24 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
25 **COUNTY OF CONTRA COSTA**

26 SAM CLEARE, SARAH KINCAID,
27 JEREMIAH ROMM, HILDA CRISTINA
28 HUERTA, AND JETAUN THOMPSON

Petitioners,

v.

WEST CONTRA COSTA UNIFIED SCHOOL
DISTRICT, KENNETH CHRIS HURST, WEST
CONTRA COSTA UNIFIED SCHOOL
DISTRICT BOARD OF EDUCATION,
JAMELA SMITH-FOLDS, DEMETRIO
GONZALEZ HOY, OTHEREE CHRISTIAN,
MISTER PHILLIPS, AND LESLIE RECKLER,

Respondents.

Case No. N24-1353

**NOTICE OF MOTION AND MOTION
TO ISSUE WRIT OF MANDATE TO
COMPLY WITH ED. CODE § 35186**

Judge: Hon. Terri Mockler
Dept.: 27
Date: ~~October 4, 2024~~
Time: ~~8:30 am~~

hearing set:
10/23/2024
9:00 am
dept 27

Document received by the CA 1st District Court of Appeal.

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NOTICE OF MOTION AND MOTION

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 4, 2024 at 8:30 am, in Department 27 in the above-listed Court, Petitioners, pursuant to Code of Civil Procedure sections 1085 and 1086, will and hereby do move for the issuance of a writ of mandate against Respondents, compelling them to comply with Education Code section 35186.

The Motion is made on the following grounds. Education Code section 35186 provides that school districts “shall remedy” valid complaints regarding facilities conditions and teacher vacancies, and “shall report” the resolution to the complainants. (Ed. Code § 35186 (b).) These duties are mandatory. Petitioners submitted 45 valid complaints to Respondents regarding facilities conditions, and 3 complaints regarding teacher vacancies, but Respondents have not remedied those complaints or reported their resolution to the complainants. Respondents have therefore violated their mandatory duties to remedy and report resolution of Petitioners’ complaints. In the alternative, Respondents have abused their discretion in failing to address Petitioners’ complaints. Petitioners seek a writ compelling Respondents to comply with their statutory duties to remedy the complaints.

This Motion is based on this Notice of Motion and Motion; the attached Memorandum of Points and Authorities; the concurrently filed Declarations of Samantha Cleare, Jeremiah Romm, Hilda Cristina Huerta, and Karissa Provenza; the Proposed Order; all other pleadings and papers on file in this action, including the Verified Petition for Writ of Mandate (CCP § 1085) and Complaint for Injunctive and Declaratory Relief; such matters of which the Court may properly take judicial notice; and such other evidence and argument as may be presented at or before the hearing on the Motion.

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DATED: August 30, 2024

Respectfully submitted,

By: s/ Karissa A.D. Provenza
Karissa A.D. Provenza

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This Motion seeks the issuance of a writ ordering a school district to comply with its
4 statutory duties to remedy complaints about dangerous facilities conditions in a school and illegal
5 teacher vacancies.

6 Students in certain schools in West Contra Costa Unified School District (“WCCUSD” or
7 “The District”) have been neglected in violation of the District’s statutory duties to all its students.
8 First, Stege Elementary School is not safe. It has mold-infested classrooms, opaque windows that
9 will not open, classroom temperatures exceeding 90 degrees, and broken floor tiles. The
10 WCCUSD Board of Education president herself called the situation “heartbreaking.” Second, that
11 school, in addition to Helms Middle School, and John F. Kennedy High School, have numerous
12 classrooms lacking a qualified, permanent teacher. Instead the District has relied on a rotating cast
13 of substitutes in many classrooms, substitutes working beyond their legal authorization, or
14 teachers stepping in to cover on a day-to-day basis.

15 Pursuant to the statutory regime designed to address these issues, Petitioners submitted
16 administrative complaints about these conditions and practices. The District, however, declined to
17 remedy the issues or, in some instances, even to respond to Petitioners’ complaints. The law does
18 not allow the District to ignore Petitioners’ complaints. To protect the fundamental constitutional
19 right every child in this State has to a public education, California Education Code section 35186
20 provides that school districts “shall remedy” valid complaints promptly and “shall report” the
21 resolution shortly thereafter. (Ed. Code § 35186 (b).) WCCUSD has violated these duties.

22 With respect to the dangerous facilities at Stege Elementary, the District has failed to
23 remedy dozens of valid complaints. Indeed, the District has not even provided a substantive
24 response to these complaints. The District knows it is out of compliance, but to avoid
25 accountability it falsely reported at a public board meeting that there were “0” *Williams*
26 complaints, when in fact there were 45 on the Stege facilities issues alone. (Petn. ¶ 30.) A writ
27 should issue to obligate the District to do what the law requires: to remedy the facilities
28 complaints and communicate the proffered resolution to the complainants. Petitioners do not seek

1 an order dictating the precise manner in which these facilities are restored to safe and working
2 condition, only that the District comply with its statutory duties. While the District may argue that
3 it has announced a “rebuild” project and relocated Stege Elementary students to a middle school
4 temporarily, a writ should still issue to hold the District accountable to a workable plan to fix
5 Petitioners’ specific complaints.

6 With respect to the teacher vacancies at Stege Elementary, Helms Middle, and Kennedy
7 High, WCCUSD has also failed to remedy the valid complaints. The law requires that the District
8 fill each teacher vacancy with a “single designated certificated employee” assigned for the “entire
9 year.” (Ed. Code § 35186(h)(3); see also § 44830(a).) Yet numerous teacher vacancies exist in
10 these schools, and the District refuses to fill them with certificated teachers assigned for the entire
11 school year, as required by statute. The District concedes it is violating the law, but claims it is
12 powerless to solve the problems because of a teacher shortage. That is no excuse for the failure to
13 lawfully address the teacher shortage, because the Legislature has provided the District with a
14 myriad of options to *legally* address the issue—even if there is a teacher shortage. The District
15 must use the legal options available to it rather than rely on unauthorized substitutes.

16 WCCUSD’s refusal to remedy Petitioner’s teacher vacancy complaints is damaging to
17 affected students. Quality teachers are the leading school-related factor contributing to a student’s
18 success. That is no surprise: a single, qualified, year-long teacher in the classroom provides
19 consistency and stability, allows students to build a relationship of trust, and permits continuity of
20 instruction—all of which are especially critical for low-income students, students of color, and
21 English learners. WCCUSD’s reliance on substitute teachers—who might not even prepare lesson
22 plans or may lack the capacity or training to support their students—causes irreparable harm,
23 which is precisely why it is illegal. Although WCCUSD points to a teacher shortage, WCCUSD
24 has many more teacher vacancies than its neighboring districts and continuously underperforms in
25 retaining teachers. (Petn. ¶ 5.) A teacher shortage is not to blame.

26 The District’s failure to remedy the teacher complaints has created a crisis situation.
27 Petitioner Cleare, for example, recounts that she spent most of the last year at Stege Elementary
28 trying to teach her own students while also supporting a “seriously underprepared” substitute

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1 across the hall, whose yelling was so loud that she would have to close her door to minimize
2 disruption to her own students. (Decl. of Samantha Cleare (“Cleare Decl.”) ¶ 5.) Petitioner
3 Romm attests that teacher vacancies at Helms Middle required the school to cram multiple
4 classrooms of students into the cafeteria for supervision. (Decl. of Jeremiah Romm (“Romm
5 Decl.”) ¶ 3.) Petitioner Huerta describes how when she has to cover a class in addition to her own
6 classroom, she becomes overworked, often has no curriculum to follow, and lacks the ability to
7 grade student work. (Decl. of Hilda Cristina Huerta (“Huerta Decl.”) ¶ 2.)

8 The students in these WCCUSD schools need this Court’s intervention. Stege Elementary,
9 Helms Middle, and Kennedy High serve some of the highest-need student populations, with
10 poverty rates ranging from 84 to 97 percent. (Petrn. ¶ 8.) It may not be a coincidence that these
11 are the very students and teachers whose complaints the District has ignored. Whatever the
12 reason, by failing to address Petitioners’ complaints, the District has neglected these schools and
13 their students. Petitioners respectfully request that a writ issue to hold the District accountable and
14 to protect these students’ right to a quality public education.

15 **II. RELEVANT BACKGROUND**

16 **A. The Williams Process Is Designed to Enforce Students’ Fundamental,**
17 **Constitutional Right to a Quality Education.**

18 Public education is a fundamental constitutional right for all California students. (*Serrano*
19 *v. Priest* (1971) 5 Cal.3d 584, 608-09.) To protect that right, and in connection with a landmark
20 statewide settlement in *Williams v. California*, the Legislature enacted an administrative process to
21 ensure that school districts provide students with some essential components of a quality
22 education: instructional materials, safe facilities, and qualified teachers. (Ed. Code § 35186.)
23 Under that process, individuals can submit administrative complaints when a school district fails
24 to provide these essentials, and the school district must address and resolve valid complaints
25 within a statutorily-imposed timeframe. Specifically, as relevant here, individuals can submit a
26 complaint to a school principal (or her designee) identifying deficiencies relating to emergency or
27 urgent facilities deficiencies or teacher vacancies. (Ed. Code § 35186(a).) These complaints are
28 known as “*Williams* complaints.” (See Cal. Code Regs., Tit. 5, §§ 4680-4687.)

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1 In response to a valid *Williams* complaint on these subjects, the principal (or designee of
2 the district superintendent) “*shall remedy*” the problem “within a reasonable time period but not to
3 exceed 30 working days.” (Ed. Code § 35186(b), italics added). He or she then “*shall report to*
4 the complainant the resolution of the complaint within 45 working days of the initial filing.”
5 (*Ibid.*, italics added; *see also* § 35186(a)(1) [“A complainant who identifies themselves is entitled
6 to a response if the complainant indicates that a response is requested.”].) In enacting section
7 35186, the Legislature intended for “[a]ll complaints . . . to be resolved within 30 days with the
8 complainant notified within 45 days.” (Conference Committee, Analysis of Cal. Senate Bill No.
9 550 (2003-2004 Reg. Sess.) Aug. 26, 2004, italics added; *see also* Ed. Code § 35186(b).)

10 If the complainant is not “satisfied with the resolution,” the complainant may raise their
11 complaint to the district school board. (Ed Code § 35186(c).) For facilities complaints involving
12 an “emergency or urgent threat,” the complainant “not satisfied with the resolution proffered” can
13 appeal to the State Superintendent of Public Instruction (*ibid*; *see also* Cal. Code Regs., Tit. 5,
14 § 4600(u)), who then “shall provide a written report to the state board” regarding “the complaint
15 and, as appropriate, a proposed remedy” for the problem. (Ed. Code § 35186(c).)

16 Finally, separate from any specific complaints, school districts “shall report summarized
17 data on the nature and resolution of all complaints on a quarterly basis to the county
18 superintendent of schools” and publicly to the school board. (Ed. Code § 35186(e).)

19 **B. Factual Background**
20 **1. Facilities Complaints**

21 Stege Elementary’s facilities pose an urgent threat to the health and safety of students and
22 staff, including opaque, broken windows that do not open to permit ventilation or emergency
23 egress, classrooms with no ventilation reaching temperatures over 90 degrees, mold infested walls
24 and broken floor tiles. (See Petn. Ex. 1 at pp. 7, 14, 20, 35, 38-39, 41, 62-63, 169.) Respondent
25 Superintendent Kenneth Chris Hurst himself described the conditions at Stege as “deplorable.”
26 (Declaration of Karissa Provenza (“Provenza Decl.”) ¶ 7.)

27 After the District failed to fix these issues on its own, Petitioner Cleare submitted 45
28 *Williams* complaints about the facilities at Stege in June 2023, over a year ago, to the Elementary

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1 Executive Director who oversaw Stege. Over the past 14 months, WCCUSD has not remedied nor
2 “report[ed] to [] complainants” any proffered resolution of those issues. (Ed. Code § 35186(b).)
3 Indeed, the District did not respond at all for seven months. In December 2023, the District
4 responded with a blanket letter promising only to “provide a substantive response with an update
5 as to the status of its efforts to investigate and remedy the issues” by January 12, 2024. (See Petn.
6 Ex. 2 at p. 2.) But January came and went. Petitioners have received no further response to this
7 day, and certainly no substantive response with a proposed path to remedying the facilities issues
8 at Stege. (Provenza Decl. ¶¶ 4-5.)

9 Four days after the filing of this Petition, the District suddenly announced that Stege will
10 be temporarily closed and students will be “relocate[d]” elsewhere while WCCUSD “rebuild[s]”
11 Stege. (*Id.*, Ex. A.) In the meantime, the District has stated that all 245 students will be bussed to
12 the DeJean Middle school campus, where 384 middle school students are already enrolled.
13 (Provenza Decl. ¶ 9.) The District still has not communicated to complainants—let alone to the
14 community at large—any tangible information about its “rebuild” project, which may take 2-3
15 years to complete. (*Ibid.*) For example, the District has not explained what parts of the school will
16 be rebuilt or whether the rebuild will address all the *Williams* complaints. (*Id.* ¶ 5.)

17 The District also did not report Petitioners’ *Williams* complaints to the school board or to
18 the county in its quarterly report. (Petn. ¶ 30.)

19 2. Teacher Vacancies

20 Stege Elementary, Helms Middle, and Kennedy High are plagued by numerous teacher
21 vacancies from Kindergarten to 12th Grade across a wide variety of subjects. (Petn. Ex. 7; see
22 also Petn. ¶ 31.) Throughout the last school year (2023-2024), Respondents illegally “covered” all
23 12 vacancies with unauthorized long-term substitutes (i.e., substitutes teaching beyond their 30- or
24 60-day authorization), “rolling” substitutes (i.e., rotating substitutes lined up sequentially so that
25 no single teacher is in the classroom for an entire year), and/or other teachers trying to cover
26 teacher-less classes on a day-to-day basis in addition to their own classes.

27 Petitioners Cleare, Romm, and Huerta submitted three *Williams* complaints on January 31,
28 2024, to address these teacher vacancies. Respondents replied on April 10, 2024. The District

1 conceded that the complaints were valid and that all of the identified unlawful vacancies exist.
2 (Petn. Ex. 8 at p. 3 [“The District acknowledges it is out of compliance[.]”].) But the District
3 offered no lawful remedy. Instead, the District said that it “has utilized long-term and day-to-day
4 substitutes” (which are clearly illegal) because the District was “unable to fill these vacancies with
5 permanent teachers.” (*Ibid.*)

6 Petitioners submitted an appeal to the WCCUSD Board of Education on April 18, 2024,
7 offering additional time to cure the District’s response. (Petn. Ex. 10.) WCCUSD responded by
8 confirming that it would not remedy the teaching vacancies. (Petn. Ex. 9.) The District’s human
9 resources representatives confirmed in a subsequent meeting that the District would continue to
10 use substitutes whose authorizations have expired to cover vacancies. (Petn. ¶ 49.) On July 17,
11 2024, Associate Superintendent of Human Resources, Camille Johnson, publicly confirmed that
12 the District once again plans for this upcoming academic year (2024-2025) to rely on substitutes to
13 fill teacher vacancies. (Provenza Decl. ¶ 11.) The District already appears to be relying on
14 substitutes and teacher assigned to other classrooms to cover vacancies throughout the District.
15 (Romm Decl. ¶ 6; Huerta Decl. ¶ 2, Provenza Decl. ¶ 12, Ex. E).

16 As described in accompanying declarations, the District’s failure to remedy these
17 complaints has significantly affected teachers and students at these schools. Petitioner Cleare
18 described how students were “crammed into combined classes” which “left students with little
19 space to learn or move around the classroom.” (Cleare Decl. ¶ 4.) She recounted that she spent
20 most of last year managing her own classroom as well as supporting a “seriously underprepared”
21 substitute across the hall with his own students, whose “yelling would often get so loud” that
22 Cleare would have to shut her classroom door to protect her own students. (*Id.* ¶ 5.) Petitioner
23 Romm described how teacher vacancies have required Helms Middle school to teach combined
24 classes in a cafeteria, and describes in particular the devastating effect that vacancies have on
25 English learners and newcomer students. (Romm Decl. ¶¶ 3-5.) Petitioner Huerta attested that
26 she had to “take on an additional class” to cover a vacancy at Kennedy High last year. (Huerta
27 Decl. ¶ 2.) Currently, Huerta is substituting another class on a day-to-day basis in addition to her
28 own classroom and because there is no permanent teacher assigned, there is “no curriculum for

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1 [her] to follow” and she cannot even access the gradebook to give credit for students’ work.
2 (*Ibid.*).

3 **III. LEGAL STANDARD**

4 “[A] writ of mandate may be issued by any court to . . . compel the performance of an act
5 which the law specially enjoins, as a duty resulting from an office, trust, or station.” (Code Civ.
6 Proc. § 1085(a).) Further, “[t]he writ must be issued in all cases where there is not a plain,
7 speedy, and adequate remedy, in the ordinary course of law . . . upon the verified petition of the
8 party beneficially interested.” (Code Civ. Proc. § 1086.) Where a petition can be resolved on the
9 administrative record and law alone, additional fact development is not required. (Cf. *W. States*
10 *Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 575.)

11 **IV. ARGUMENT**

12 **A. WCCUSD Violated A Ministerial Duty To Respond To and Remedy**
13 **Complaints Under Section 35186.**

14 Section 35186 imposes ministerial duties on school districts in responding to *Williams*
15 complaints. A ministerial act is one that an agency is required to perform “without regard to [its]
16 judgment or opinion [on the] act’s propriety or impropriety.” (*HNHPC, Inc. v. Dept. of Cannabis*
17 *Control* (2023) 94 Cal.App.5th 60, 70.) Where a statute uses the word “shall” to describe the
18 performance of an act, it is presumed that the agency “do[es] not have discretion to disregard [it].”
19 (*Ibid.*; see also *Common Cause v. Board of Supervisors* (1989) 49 Cal.3d 432, 443 [“It is a well-
20 settled principle of statutory construction that . . . ‘shall’ is ordinarily construed as mandatory.”].)
21 Here, the statute provides that the district “shall remedy” a valid complaint; “shall report to the
22 complainant” the resolution of that complaint; and “shall report summarized data” to the school
23 board. (Ed. Code § 35186(b), (e).) In this case, WCCUSD violated these ministerial duties. It
24 did not remedy—or even proffer a remedy for—indisputably valid facilities complaints, and it did
25 not remedy admittedly valid complaints regarding teacher vacancies.

26 **1. WCCUSD Failed to Fulfill Its Ministerial Duties to Remedy, Respond,**
27 **and Report the Stege Facilities Complaints.**

28 WCCUSD failed to fulfill its ministerial duties to remedy the *Stege* facilities complaints in
three separate ways.

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1 *First*, WCCUSD failed to remedy the facilities issues identified in the *Stege* complaints
2 within 30 working days. Over a year has passed since Petitioners filed their complaints, and yet
3 the hazardous conditions at Stege remain unremedied. (Provenza Decl. ¶ 4.) The District’s press
4 release¹—four days after the filing of this lawsuit—announcing that it will “relocate the Stege
5 community” while it “rebuilds” the school (whatever that might mean), a year after the facilities
6 complaints were filed, does not negate the need for a writ. A mere statement that a party intends
7 to stop violating the law does not moot a lawsuit if there remains a reasonable possibility that the
8 alleged wrongful behavior could reoccur, especially where the issue is of broad public interest.
9 (See *Bullis Charter School v. Los Altos School Dist.* (2011) 200 Cal.App.4th 1022, 1033 [writ
10 petition against school district not mooted where “[the] issue [is of] broad public interest that is
11 likely to recur”].) Otherwise, WCCUSD and other districts could simply ignore *Williams*
12 complaints, put complainants through the expense and burden of bringing suit, and then moot the
13 suit by stating that it will comply after all.

14 As described in the Petition, the District has been debating a solution to the Stege facilities
15 crisis for *seven years*, including a plan to move the students to portable facilities. (Petn. ¶ 27, Ex.
16 4.) In 2016, the District identified Stege as one of the highest need schools for modernization,
17 behind two others. (Provenza Decl. ¶ 6, Ex. B at p. 5.) In 2021, however, after those two other
18 schools were rebuilt, the District deprioritized Stege again, placing two additional schools ahead
19 of it and reallocating funding. (*Id.* ¶ 6, Ex. C at pp. 2-3.) A writ should issue, if nothing else, to
20 ensure that this time the District invests the resources needed to make Stege Elementary habitable
21 and to hold the District accountable—after years of renegeing on its promises to fix Stege.

22 *Second*, WCCUSD failed to “report to the complainant[s] the resolution” of the facilities
23 complaints. (Ed. Code § 35186(b).) Even if the District, for good cause, was unable to *complete*
24 the remedy of the complaints at issue within the statutory time period, the reporting requirement
25 obligates the District to inform the complainant of a concrete remedial plan. That report must

26 _____
27 ¹ (WCCUSD, *July 23, 2024 Important Update: Temporary Closure of Stege Campus and*
28 *Relocation of Stege School Community* <<https://tinyurl.com/23d5mukz>> [as of Aug. 29, 2024].)

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1 include enough specificity to allow complainants to evaluate the plan and, if necessary, pursue
2 administrative appeals or substantive writ review. (Ed. Code § 35186(c).) To this day, Petitioners
3 still do not know whether the Stege “rebuild” plan will meaningfully address any, much less all, of
4 their complaints. For facilities complaints in particular, the Legislature directed that an
5 unsatisfactory “proffered” resolution would be subject to escalation to the school board, and then
6 to the State superintendent, with review by the California Board of Education (see Ed. Code §
7 35186(c))—but none of that is possible unless the District actually communicates what the plan is
8 in sufficient detail to enable meaningful review.

9 *Third*, WCCUSD failed to fulfill its ministerial duty to report quarterly data on the
10 *Williams* complaints to the school board. (Ed. Code § 35186(e).) In its quarterly report to the
11 school board after receiving 45 *Williams* complaints, the District falsely reported that “0”
12 complaints were received during the relevant time period. (Petn. ¶ 30.) The reporting requirement
13 in section 35186 exists for good reason: it allows the public and county offices of education to stay
14 apprised of *Williams* violations occurring in schools and to hold the District accountable for
15 remedying any reported issues. By failing to adequately report the facilities complaints, the
16 District has skirted accountability and evaded necessary oversight.² Again, a writ should issue to
17 force compliance with the law and to hold the District accountable for blatantly ignoring its
18 statutory obligations.

19 **2. WCCUSD Failed to Fulfill Its Ministerial Duties to Remedy the**
20 **Teacher Vacancy Complaints.**

21 WCCUSD also failed to remedy the *Williams* complaints relating to teacher vacancies,
22 instead covering those vacancies with unauthorized substitutes in violation of its statutory duties.
23
24

25 ² The District has shown a pattern of evading necessary oversight by failing to report complaints
26 received, and inaccurately reporting the conditions of the school in its Facility Inspection Tool
27 (FIT) evaluation to the State, another administrative requirement under *Williams*. For example, in
28 its August 2023 FIT evaluation, the District reported an exemplary ranking of 100% for the sewer
conditions at Stege. (Provenza Decl. ¶ 8, Ex. D at p. 1.) When in fact, as included in the June
2023 complaints, sewage spills out into the bathroom stalls when flushed. (Petn. Ex. 1.)

1 A teacher vacancy is not remedied unless the district fills the vacancy with someone who is
2 both (1) “certificated,” and (2) serves as the “single designated . . . employee” assigned for the
3 “entire year.” (Ed. Code § 35186(h)(3).) To be “certificated” means to hold the appropriate State-
4 authorized certificate demonstrating one has the minimal qualifications to teach the specific
5 subject matter(s) and students—*e.g.*, a full California teaching credential, an intern credential, a
6 one-year short-term teaching permit, or a one-year waiver. (See Ed. Code § 44830.) State
7 certification laws authorize substitutes (who have received less training and have fewer
8 qualifications than full-time teachers) to teach in any one classroom *only* for 30 or 60 days. (See
9 Cal. Code Regs., Tit. 5, §§ 80025; 80025.1(a)(4).)

10 The District has not lawfully filled a single vacancy identified by complainants at any of
11 the affected schools. Instead, the District has relied upon substitutes working beyond their
12 authorization and a rotation of day-to-day substitutes and teachers to fill vacancies. (Petn. ¶¶ 5,
13 34-35, Ex. 8.) This approach fails to “remedy” the vacancies for several reasons. First, assigning
14 a substitute or other teacher to cover a vacancy for less than an “entire year” fails, by definition, to
15 eliminate the teacher vacancy. (Ed. Code § 35186(h)(3).) The District’s practice of using rotating
16 day-to-day substitutes is therefore not a “remedy” at all, under the plain terms of the statute.

17 Second, a substitute who serves in any one classroom for longer than 30 or 60 days, even
18 for the entire year, is not “certificated” because they are working beyond their lawful
19 authorization. (See Cal. Code Regs., Tit. 5, §§ 80025; 80025.1(a)(4).) Substitutes holding an
20 “Emergency 30-day Substitute Teaching Permit” or a 60-day “Emergency Career Substitute
21 Teaching Permit” are to be utilized for *emergencies*, such as to temporarily fill an unexpected
22 absence. Individuals with substitute permits do not hold the proper certification to teach beyond
23 what their permit allows.

24 Reliance on substitutes also violates the command that districts employ “only persons who
25 possess the qualifications for those positions prescribed by law.” (Ed. Code § 44830(a).) In
26 California, teachers are expected to be fully prepared—*i.e.*, completed a teacher preparation
27 program, including the appropriate subject matter training, and hold either a preliminary or a clear
28 credential. (Petn. Ex. 12.) Substitute teachers, by contrast, do not need to possess those

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1 qualifications. (Commission on Teacher Credentialing, *Emergency 30-Day Substitute Teaching*
2 *Permit (CL-505p)* (Dec. 2016), <[<https://www.ctc.ca.gov/credentials/leaflets/30-Day-Substitute-](https://www.ctc.ca.gov/credentials/leaflets/30-Day-Substitute-Teaching-Permit-(CL-505p))
3 [>](https://www.ctc.ca.gov/credentials/leaflets/30-Day-Substitute-Teaching-Permit-(CL-505p)) [as of Aug. 29, 2024] [requiring passage of basic skills
4 requirement, possession of a B.A. and fingerprinting requirement].) Indeed, it is because they
5 possess only the most minimal of qualifications that the Legislature limited their authorization to a
6 temporary emergency basis of 30 or 60-days for any one classroom. (See Cal. Code Regs., Tit. 5,
7 §§ 80025, 80025.1.)

8 At bottom, relying on “rolling” substitutes or teachers to cover vacancies on a day-to-day
9 basis undermines a central purpose of the *Williams* settlement—to provide the stability of
10 permanent, year-long teachers. Thus, the long-term use of substitutes and day-to-day covering of
11 vacancies is unlawful, and the District cannot rely on these practices to remedy the complaints.

12 **B. Section 35186’s Duties Are Not Discretionary, and Even If They Were,**
13 **WCCUSD’s Conduct Is Arbitrary and Capricious.**

14 **1. Compliance With Section 35186 Is Not Discretionary.**

15 WCCUSD may argue that it need not comply with Section 35186 because the statute is
16 discretionary, as it allows districts to decide (within limits) how to remedy complaints. Courts
17 have rejected similar arguments by other agencies seeking to evade analogous statutes. That some
18 portions of the statutory duty may involve discretion does not affect the courts’ ability to enforce
19 statutory requirements.

20 In *HNHPC*, for example, a statute required the Department of Cannabis Control to create a
21 database that “*shall* be designed to flag irregularities for the department to investigate.” (*HNHPC*
22 *supra*, 94 Cal.App.5th at p. 69, italics added.) When Petitioner (a licensed cannabis operator),
23 sought a writ to enforce this statutory duty, the Department argued that the duty was discretionary
24 and not subject to a writ at all because designing such a database “requires creativity, strategy”
25 and attention to policy goals and industry trends, and therefore it “does not involve carrying out a
26 ministerial function.” (*Id.* at p. 70.) The court rejected this argument, holding the statute was
27 ministerial and that the agency had to comply with it. The court held that even if the Department
28 had creative control over designing the database, the statutory duty to build a compliant

1 database—however the Department chose to design it—was still “ministerial” because the
2 Department had “no discretion to disregard the express flagging mandate.” (*Ibid.*) The writ
3 issued.

4 *Doe v. Albany Unified School Dist.* (2010) 190 Cal.App.4th 668 (“*Albany Unified*”) is in
5 accord. There, the statute provided that school curricula “shall include instruction ... in ...
6 [p]hysical education, with emphasis upon the physical activities for the pupils that may be
7 conducive to health and vigor of body and mind, for a total period of time of not less than 200
8 minutes each 10 schooldays[.]” (*Id.* at p. 672.) The school district argued that the duty was
9 discretionary because the Legislature explicitly “encourage[d] local districts to develop programs
10 that will best fit the needs and interests of the pupils, pursuant to stated philosophy, goals, and
11 objectives.” (*Id.* at p. 675.) The court rejected that argument. Although the statute (like almost
12 any directive to a government agency) contemplated some degree of discretion, such as allowing
13 administrators to choose what activities “may be conducive to health and vigor of body and
14 mind,” the court held that it also established a clear, objective requirement for the minimum time
15 that must be devoted to those activities. (*Id.* at p. 673.) The writ issued to require a compliant
16 program, even if the district had discretion to decide the exact nature of the physical education
17 provided.

18 Likewise, in *Galzinski v. Somers* (2016) 2 Cal.App.5th 1164, the court granted a petition
19 for writ of mandate compelling a police department to comply with its published procedures on
20 handling citizen complaints of police misconduct. Petitioner alleged that the department had
21 failed to follow its own procedures in handling complaints, and instead had merely reviewed his
22 complaint and taken no further action. (*Ibid.*) The police department argued that Petitioner was
23 “improperly seeking to control the Internal Affairs Division’s discretion to decide what action to
24 take in response to his complaint.” (*Id.* at p. 1169.) The court rejected that view, holding that the
25 department had “a *ministerial* duty to conduct some sort of investigation” into the complaint, even
26 if that “procedure leaves it to the *discretion* of the department and its personnel to determine what
27 *kind* of investigation is reasonably necessary in each case.” (*Id.* at p. 1174, first italics added.)
28

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1 Consistent with these cases, section 35186 creates ministerial duties for the school district
2 with respect to *Williams* complaints: to respond to the complaints and to remedy valid complaints.
3 That the Legislature did not (and could not have) specified exactly how each deficiency should be
4 cured does not mean the District is free to ignore the mandate of the Legislature.

5 C. **Alternatively, The District Violated Its Discretionary Duties with Respect to**
6 **Petitioners' Complaints.**

7 To the extent the Court construes the duty to remedy in section 35186 to be discretionary, a
8 writ should still issue for WCCUSD's abuse of discretion.

9 1. **The District Abused its Discretion Regarding the Teacher Vacancy**
10 **Complaints.**

11 (a) *The District's Use of Substitutes to Cover Vacancies Is Illegal.*

12 It is an *automatic* abuse of discretion for WCCUSD to take actions that are unlawful. (See
13 *Neighbors in Support of Appropriate Land Use v. Cnty. of Tuolumne* (2007) 157 Cal.App.4th 997,
14 1004 [an agency necessarily abuses its discretion where it takes actions that are not "consistent
15 with applicable law"].) As described *supra*, WCCUSD has violated multiple provisions of
16 California law by using substitutes working beyond their 30 or 60 day authorizations to cover
17 vacancies. (See Ed. Code § 44830(a); Cal. Code Regs., Tit. 5, §§ 80025; 80025.1(a)(4).) A writ
18 should issue correcting this abuse of discretion and compelling WCCUSD to cease this illegal
19 practice.

20 (b) *Failing to Invoke Readily Available Solutions to Fill Vacancies Is*
21 *Arbitrary and Capricious.*

22 The District's failure to pursue readily available solutions to fill the vacancies was
23 "arbitrary [and] capricious," and thus also an abuse of discretion. (*HNHPC, supra*, 94
24 Cal.App.5th at p. 72.) Courts have explained that "[w]hile a party may not invoke mandamus to
25 force a public entity to exercise discretionary powers in any particular manner, if the entity refuses
26 to act, mandate is available to compel the exercise of those discretionary powers in some way."
27 (*Id.* at p. 70; accord *Ellena v. Dept. of Ins.* (2014) 230 Cal.App.4th 198, 216–17 [writ was issued
28 "compelling the DOI to exercise its discretion to review the policy and decide whether to approve
or revoke it."].)

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1 *Collins v. Thurmond* (2019) 41 Cal.App.5th 879, 917, for example, held that the
2 government abused its discretion in failing to take any action to monitor equal access issues and
3 prohibit discrimination as required by federal law. Recognizing that “how one engages in
4 monitoring for compliance with federal law . . . is discretionary in nature,” (*id.* at p. 918) the court
5 nevertheless held that the State abused its discretion because it had “failed to submit the data
6 required of [it] for the 2011-2012 school year,” and had “taken no action to procure that data and
7 [had] failed to implement any program or process for ensuring that the data is accurately
8 submitted.” (*Ibid.*)

9 *California Hosp. Assn. v. Maxwell-Jolly* (2010) 188 Cal.App.4th 559 is also instructive.
10 There, the court held a writ should issue because the State abused its discretion by adopting a
11 procedure for Medicaid reimbursements without considering certain statutory factors. (*Id.* at pp.
12 571-72.) The statute required the State to adopt unspecified “methods and procedures” in order
13 “to assure that payments are consistent with efficiency, economy, and quality of care” (*Id.* at
14 p. 565.) A writ may issue, the court held, even where the statute affords such “broad discretion,”
15 (*id.* at p. 570) and in that case a writ was warranted because the State acted based on “purely
16 budgetary” concerns and did not actually balance the statutory factors. (*Id.* at p. 577.)

17 WCCUSD similarly abused its discretion by unreasonably failing to adopt *any* of the
18 lawful legislative options to fill vacancies. The Education Code spells out numerous lawful ways
19 to remedy a teacher vacancy, particularly in the face of a teacher shortage. (Petn. ¶¶ 41-46.) For
20 example, the District could hire teachers out of retirement. (*Id.* ¶ 41.) It could reassign teachers
21 from administrative or district offices. (*Id.* ¶ 42.) It could assign teachers to a classroom who are
22 currently serving in a special assignment elsewhere. (*Id.* ¶ 43.) It could obtain authorization to
23 employ intern teachers. (*Id.* ¶ 44.) It could obtain emergency-style year-long permits for
24 candidates with minimum qualifications. (*Id.* ¶ 45.) Or, as a last resort, it could obtain waivers
25 from the State—even for the substitutes they are currently employing—to ensure that those
26 substitutes are actually qualified and worthy of assignment to a classroom for the year. (*Id.* ¶ 46.)

27 The District engaged in *none* of these options. To be sure, the District claimed that it tried
28 to hire fully prepared teachers through normal “recruitment and development measures,” including

1 attending job fairs and posting on job boards. (Petn. Ex. 8 at pp. 4, 9, 15.) But when those efforts
2 failed, WCCUSD was statutorily obligated to invoke one of the many other options that the
3 Legislature has contemplated for use *precisely* when standard hiring efforts alone are not effective
4 at filling teacher vacancies. Given the availability of these solutions, it is manifestly unreasonable
5 for the District to disregard every single one of them and simply blame their non-compliance on a
6 teacher shortage.

7 **2. The District Abused its Discretion Regarding the Facilities Complaints.**

8 To the extent the Court considers Respondents’ duty to remedy urgent facility conditions
9 discretionary, WCCUSD’s delayed, incomplete measures (i.e., adopting the long-term plan or
10 closing the school for the upcoming school year) were an abuse of discretion too. It is arbitrary
11 and capricious to displace elementary school students by transferring them to a middle school
12 already filled with students, when the District had opportunities to remedy many of the dangerous
13 facilities complaints that raised health and safety concerns months earlier without uprooting these
14 students. The District has provided no explanation, and indeed no response, as to why it could not
15 physically repair the facilities at Stege when the complaints were raised. The failure to offer a
16 rationale for this decision confirms the decision to be arbitrary and capricious.

17 **D. All Other Writ Requirements Are Satisfied.**

18 Petitioners satisfy all other requirements for a writ to issue. Petitioners lack “a plain,
19 speedy, and adequate remedy” at law. There is no legal action available to Petitioners; a writ is
20 their only avenue for relief. (*CV Amalgamated LLC v. City of Chula Vista* (2022) 82 Cal.App.5th
21 265, 286-87 [writ available where “mandate is the only remedy”].) Petitioners also exhausted all
22 available administrative remedies. (See *Albany Unified*, 190 Cal.App.4th at p. 685.) Petitioners
23 also have standing and a beneficial interest, at a minimum, under the “public interest standing”
24 doctrine. *Save the Plastic Bag Coal. v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166.

25 **V. CONCLUSION**

26 Petitioners respectfully request that the Court issue a writ of mandate compelling
27 Respondents to remedy Petitioners’ facilities complaints and report that remedy to Petitioners, and
28 to remedy the teacher vacancies. (See Proposed Order.)

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DATED: August 30, 2024

Respectfully submitted,

By: s/ Karissa A.D. Provenza
Karissa A.D. Provenza

PUBLIC ADVOCATES INC.
John T. Affeldt
Nicole Gon Ochi
Karissa A.D. Provenza

By: s/ Dane P. Shikman
Dane P. Shikman

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Document received by the CA 1st District Court of Appeal.

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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF CONTRA COSTA**

18 SAM CLEARE, SARAH KINCAID,
JEREMIAH ROMM, HILDA CRISTINA
19 HUERTA, AND JETAUN THOMPSON

20 Petitioners,

21 v.

22 WEST CONTRA COSTA UNIFIED SCHOOL
23 DISTRICT, KENNETH CHRIS HURST,
WEST CONTRA COSTA UNIFIED SCHOOL
24 DISTRICT BOARD OF EDUCATION,
25 JAMELA SMITH-FOLDS, DEMETRIO
26 GONZALEZ HOY, OTHEREE CHRISTIAN,
MISTER PHILLIPS, AND LESLIE RECKLER,

27 Respondents.
28

Case No. N24-1353

DECLARATION OF JEREMIAH ROMM

Judge: Hon. Terri Mockler

Dept.: 27

Date: October 4, 2024

Time: 8:30 am

Document received by the CA 1st District Court of Appeal.

1 **DECLARATION OF JEREMIAH ROMM**

2 I, JEREMIAH ROMM, declare:

3 1. I am a Petitioner in this case. I have personal knowledge of the facts I state below,
4 and if I were to be called as a witness, I could competently testify about what I have written in this
5 declaration.

6 2. I grew up in the district and have been an educator at Helms Middle School for
7 seventeen years. Over the course of my time as an educator at Helms, I have witnessed numerous
8 teacher vacancies that have negatively impacted our students and added additional burdens on us
9 as educators.

10 3. Last year there were occasions where multiple classrooms of students were placed
11 in the cafeteria due to teacher vacancies. The group of students was too large for one person to
12 teach, resulting in most of the students sitting on their computers playing games rather than
13 completing a lesson.

14 4. English learners and newcomer students are one group of students who are
15 adversely affected by these vacancies. Last year the monitoring of English learners' progress at
16 our school was chaotic. Because the teachers were always changing and no permanent teachers
17 were assigned to multiple classes, the records of English learners got mixed up and their progress
18 was not correctly monitored. I had to personally step in last year to help a substitute monitor her
19 students. When English learners' progress is not properly monitored it impacts what type of
20 support they receive in the following years. Essentially, the monitoring process at Helms is
21 currently useless as there is no clear reporting happening because there are multiple classrooms
22 with no permanent teacher.

23 5. Another way vacancies harm English learners, particularly newcomer students, has
24 to do with the eligibility of our newcomer program which I help run at Helms. English learners are
25 only eligible for our newcomer program for two years. Because of the consistent pattern of
26 vacancies, many of them are not getting the ongoing language support from substitutes. At the end
27 of the two years many of the newcomer students who have suffered from being placed in classes
28 with teacher vacancies are still in dire need of language support, but at that point they are

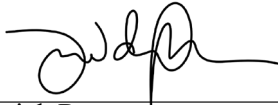
Document received by the CA 1st District Court of Appeal.

1 ineligible for our program. One student at Helms no longer qualifies for the newcomer class I
2 teach because she's technically in her third year in the district. However, because of the vacancies,
3 she couldn't get the necessary support from substitute teachers in her first two years and she still
4 cannot speak English.

5 6. To my knowledge, five vacancies at Helms still exist, at least three of which were
6 included in our original *Williams* complaints. This includes multiple periods of 8th Grade English
7 that the school is trying to get teachers with already full class schedules to take on in addition to
8 our already full workload. For the other vacancies the district is continuing to rely on long-term
9 substitutes and substitutes who are assigned for the first few weeks of the school year.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12
13 DATED: 8/29/24



Jeremiah Romm

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Document received by the CA 1st District Court of Appeal.

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17 **FOR THE COUNTY OF CONTRA COSTA**

18 SAM CLEARE, SARAH KINCAID,
JEREMIAH ROMM, HILDA CRISTINA
19 HUERTA, AND JETAUN THOMPSON

20 Petitioners,

21 v.

22 WEST CONTRA COSTA UNIFIED SCHOOL
23 DISTRICT, KENNETH CHRIS HURST,
WEST CONTRA COSTA UNIFIED SCHOOL
24 DISTRICT BOARD OF EDUCATION,
25 JAMELA SMITH-FOLDS, DEMETRIO
26 GONZALEZ HOY, OTHEREE CHRISTIAN,
MISTER PHILLIPS, AND LESLIE RECKLER,

27 Respondents.
28

Case No. N24-1353

**DECLARATION OF SAMANTHA
CLEARE**

Judge: Hon. Terri Mockler

Dept.: 27

Date: October 4, 2024

Time: 8:30 am

Document received by the CA 1st District Court of Appeal.

1 **DECLARATION OF SAMANTHA CLEARE**

2 I, SAMANTHA CLEARE, declare:

3 1. I am a Petitioner in this case. I have personal knowledge of the facts I state below, and
4 if I were to be called as a witness, I could competently testify about what I have written in this
5 declaration.

6 2. I have been a teacher at Stege Elementary school for seven years and I am currently
7 holding a full time position with our teachers’ union. For most of my time at Stege I was a third
8 grade teacher, but for my last year, the 2023-2024 school year, I was moved to the fourth/fifth
9 grade combination class to cover a vacancy.

10 3. As a third grade teacher I often was the first permanent teacher my students had due to
11 vacancies in kindergarten, first, and second grade. The severe teaching conditions at Stege,
12 including both vacancies and facilities deficiencies, led me to leave the job that I loved.

13 4. In the 2023-2024 school year dozens of students were often crammed into combined
14 classes, or moved around from classroom to classroom due to the vacancies. At some points
15 classes had over 30 students, exceeding the union negotiated maximum student to teacher ratio.
16 This led to the overworking of teachers and left students with little space to learn or move around
17 the classroom.

18 5. Most of last year my class dealt with distractions from the substitute across the hall
19 who was seriously underprepared to cover the vacancy. His yelling would often get so loud I
20 would have to close my door to prevent further disruption to my teaching and my students’
21 learning. Instead of having a teacher to collaborate with, I spent my time and energy trying to
22 support him and his students in addition to my own. These conditions not only limit all of our
23 students’ ability to learn, but they create a dangerous and unhealthy school environment.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 

27 DATED: 8/29/24

28 Samantha Cleare

Document received by the CA 1st District Court of Appeal.

EXHIBIT 6

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
BEFORE JUDGE TERRI MOCKLER
DEPARTMENT 27

---oOo---

SAM CLEARE, SARAH KINCAID, Case No. N24-1363

JEREMIAH ROMM, HILDA CRISTINA

HUERTA, and JETAUN THOMPSON,

Petitioners,

vs.

WEST CONTRA COSTA UNIFIED

SCHOOL DISTRICT,, et al.,

Respondents.

_____ /

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Motion to Issue Writ of Mandate)

October 11, 2024

Taken before Kimberley Richardson

CSR No. 5915

Document received by the CA 1st District Court of Appeal.

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18 ALSO PRESENT VIA ZOOM:

LAURA PERRY

19 KYRA SCHOONOVER

20 GUILLERMO MAYER

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P R O C E E D I N G S

Friday, October 11, 2024 - 9:00 a.m.

---oOo---

JUDGE MOCKLER: Calling Sam Cleare -- is it
Cleare or Clare?

MR. SHIKMAN: Clear.

JUDGE MOCKLER: -- versus West Contra Costa
School District, 10249353.
Counsel, state your appearances.

MR. SHIKMAN: Dane Shikman from Munger Tolles &
Olson on behalf of petitioners.

MS. PROVENZA: Karissa Provenza from Public
Advocates on behalf of the petitioner.

MR. SINGLA: Rohit Singla of Munger, Tolles &
Olson also for petitioners.

MS. ALBERTS: Good afternoon, your Honor.
Katherine Alberts from Leone Alberts & Duus for
respondents.

JUDGE MOCKLER: And these people who are on
Zoom, are these folks that you folks recognize as being
associated with one side or the other?

MR. SHIKMAN: Your Honor, I recognize Laura
Perry and Kyra Schoonover as a counsel from my law firm.
Guillermo Mayer as well.

JUDGE MOCKLER: So they are also connected with

1 this case.

2 MS. ALBERTS: Your Honor, before we start, I
3 have a courtesy copy of a supplemental declaration that
4 I filed yesterday. If I may approach the clerk to pass
5 it to you.

6 JUDGE MOCKLER: I think I already have it.
7 You're Ms. Provenza; right?

8 MS. ALBERTS: No. I'm Ms. Alberts.

9 JUDGE MOCKLER: Okay. So I can tell you where
10 I'm headed based on the pleadings, and that is with
11 regards to the elementary school, it appears to me that
12 petitioners' issues are moot now since school's been
13 closed down, and the issues that petitioners had are
14 with the facility -- with the facilities there.

15 And as to the court issuing an injunction
16 mandating that the school district fill these vacancies
17 and et cetera, et cetera, I don't -- I see this as a lot
18 more complicated than apparently the petitioners see it.

19 I pretty much agree with the school district
20 that the -- what petitioners are asking is not really
21 within the ability of the school district to fulfill.

22 You can't make people get credentialed to be
23 teachers. You can't make people apply for jobs in the
24 West Contra Costa County School District. You can't
25 simply take other teachers or other qualified teachers

1 who are doing different jobs within the school district
2 and force them to be in the classroom.

3 So I -- I don't know -- I mean -- I mean, I've
4 read all your pleadings. I just don't believe that it's
5 either -- I guess I don't believe that the petitioners
6 have established that they can prevail on the merits for
7 an injunction and especially with regards to the teacher
8 issues.

9 So that's where I'm at right now. I'm happy to
10 hear arguments, but I haven't seen in any of the
11 pleadings from the petitioners how you think the court
12 can essentially force the school district to do
13 something that appears to the court even is not within
14 their control to do.

15 MR. SHIKMAN: Thank you, your Honor. May I be
16 heard?

17 JUDGE MOCKLER: Of course.

18 MR. SHIKMAN: If I may, let me take the teacher
19 issue on first, and then I can address this issue.

20 I want to be very clear. We are not asking the
21 district to do anything that is not within its own
22 control. We are focused on processes that are within
23 the control of the district.

24 Of course, we cannot require teachers to apply.
25 We cannot require teachers to consent to be reassigned.

1 So focusing on the things that are within the
2 district control, there are numerous things that the
3 district has not done, and the most basic one is the
4 most straightforward way to resolve this case.

5 The district admits that it is relying on
6 illegally assigned substitute teachers. There are ways
7 to make sure that those substitute teachers are, in
8 fact, certificated which would remedy the Williams
9 complaints.

10 There are two that we put in our petition. One
11 is to seek a waiver from the state. A waiver would
12 ensure that the state is actually supervising the
13 district's use of substitutes, and that then forces the
14 district to prove to the state that the substitute is,
15 in fact, the best available candidate and is qualified
16 for the job.

17 Late last night at 9:30 p.m. we got a
18 declaration from the district saying that even the
19 illegally assigned substitutes are so unqualified that
20 they don't qualify for the waiver.

21 It is a basic straightforward thing for the
22 district to do which defines substitutes, not
23 credentialed teachers, substitutes and apply for a
24 waiver or apply for an emergency style permit.

25 The district's response to these things is not

1 that it's not been within their control. It's that it's
2 too hard, and they shouldn't have to.

3 For example --

4 JUDGE MOCKLER: Let me, just so I make sure,
5 emergency style, what did you call it?

6 MR. SHIKMAN: Emergency style permits.

7 JUDGE MOCKLER: Permits thank you.

8 MR. SHIKMAN: Those are in our petition and in
9 our motion. A short-term staff permit is one of those
10 options. A provisional internship permit is another.
11 We describe those in our petition.

12 These are things that when pressed, the
13 district says we do not have to apply for those permits.
14 They are reserved for extraordinary circumstances, and
15 they expire after a year.

16 But, your Honor there's nothing more
17 extraordinary than a classroom without a teacher. The
18 fact is that the district has things that are within its
19 control that do not compel people to apply or compel
20 people to be reassigned but can make sure that they are
21 complying with their obligations to fill classrooms with
22 teachers that are there for the year.

23 We also -- just for the record, I want to make
24 sure the court understands we do not agree with the
25 district that they can't voluntarily reassign teachers

1 to different schools. They did that just two months
2 ago. 18 teachers were reassigned to different
3 vacancies. They've chosen not to do that for these
4 schools and these vacancies within the petition.

5 So it is within their control. I want to make
6 sure that the court understands what our position is on
7 that.

8 If I may move to the moot issue.

9 JUDGE MOCKLER: Yes. Go ahead.

10 MR. SHIKMAN: I also want to make sure the
11 record is clear the school is not closed. The school
12 has been temporarily vacated for a rebuild and
13 renovation effort. That means that the students are
14 coming back. And we are entitled to some assurance that
15 when the students come back they are not facing the same
16 hazardous conditions that they have faced for years.

17 And the reason why we're entitled to that
18 assurance is because for years the district has promised
19 that it would do something about that dangerous and
20 hazardous school but done nothing.

21 And, in fact, years ago it was prioritized for
22 work but then deprioritized for other schools.

23 As we have laid out throughout our petition,
24 the district has a history of willfully and flagrantly
25 ignoring the Williams statute obligations, and so we

1 just need something to hold the district accountable
2 that the plan they have for these students, that they'll
3 actually follow through on it.

4 So that's our position with respect to the
5 school. I'm happy to address any specific concerns.

6 JUDGE MOCKLER: Well, so, the renovation
7 remodel plan for -- is it Stege Elementary went through
8 public hearings and everything, and the plans for the
9 renovations are public knowledge.

10 What is it beyond what the district has already
11 made public, what is it that you think the court can or
12 should do to make sure that the district follows
13 through?

14 MR. SHIKMAN: So I just want to separate two
15 things here. One of the process issues about informing
16 the public or informing the plan and what is the actual
17 substantive remedy. So I hear the court is focused on
18 the process issues, so let me just address that.

19 JUDGE MOCKLER: No, I'm not actually. The
20 process has already started, so what I want to hear from
21 you is what do you think the court can do to ensure that
22 the end product, let's put it that way, is what it's
23 represented to be now? What kind of order is it that
24 you think the court should or could make to ensure that
25 that result comes out?

1 MR. SHIKMAN: Your Honor, if the court issues
2 an order directing the district to remedy the complaints
3 that are at issue in the petition, then what I expect
4 will happen is they will proceed on track with their
5 current plan to renovate and rebuild Stege. And that
6 there is now a cost if they decide to deprioritize or
7 abandon that plan as they have done in the past.

8 That is all we ask for with respect to the
9 remedy of the school, an order that directs them to
10 remedy the complaints, and so that way over the next few
11 years as they proceed with the plan to actually rebuild
12 the school, if they actually abandon that plan, there's
13 going to be a problem because now that plan has the
14 force of law behind it.

15 JUDGE MOCKLER: So the order -- the proposed
16 order would be that the school district must remedy the
17 Williams style complaints that were made against Stege
18 elementary?

19 MR. SHIKMAN: That's exactly right, your Honor.

20 JUDGE MOCKLER: Okay.

21 And in terms of the rest of your restraining
22 order and request for a preliminary injunction with
23 regards to the teachers, what is it -- what's your --
24 what is your ask? What would you like to hear the judge
25 make?

1 MR. SHIKMAN: So we did submit a proposed order
2 which would help the court. Let me be responsive to the
3 court's question.

4 With respect to the teachers' complaint, we
5 would also ask for a similarly worded order that says
6 that the district must remedy the complaints as to the
7 vacancies in the petition.

8 I think the court should be more specific here
9 because the district has admitted to illegally assigning
10 substitutes, and that is the district should refrain
11 from the illegal practice of countering teacher
12 vacancies with substitutes that have not been
13 certificated for the entire year.

14 If the court would like to do something more
15 specific, then the court could say the district should
16 take all necessary steps to ensure that each teacher
17 vacancy addressed in the petition has been covered in a
18 way that complies with the Williams statute.

19 JUDGE MOCKLER: Okay. All right. Ms. Alberts.

20 MS. ALBERTS: Which issue would you like me to
21 address first, your Honor? The facility or the
22 teachers?

23 JUDGE MOCKLER: Let's handle the facility.
24 That's a little easier one.

25 MS. ALBERTS: Correct.

1 So I first want to correct some of the factual
2 statements that have been made by counsel.

3 So Stege has never been deprioritized. And if
4 you -- what is happening is that they're misreading the
5 presentations that they've included in their moving
6 papers in the petition and in the -- and in
7 Ms. Provenza's first declaration.

8 If you would actually look -- just I'll give
9 you cites.

10 Exhibit 4 to the petition on page -- it's
11 numbered page 110, but it's the fourth page which is the
12 implementation schedule for the district's long-range
13 facilities master plan that was implemented and adopted
14 in 2016.

15 It's a -- I actually have a copy here if you
16 want me to have it -- I have one for counsel, too.

17 JUDGE MOCKLER: Sure, rather than having me dig
18 through everything.

19 MS. ALBERTS: And I'm going to be referring to
20 another page that I will provide.

21 So, your Honor, if you look at the first one,
22 which is the bar chart, it says Implementation Schedule
23 Model 1, and this is out of Exhibit 4 to the petition.

24 You'll see where the timeline for back in 2016
25 had the Stege project.

1 There are a number of projects where the dates
2 of the start and stop of the project precede Stege.
3 There's 12.

4 It was third in line for a total school
5 remodel. But Exhibit 4 also states that because of
6 funding they couldn't do that project right now.

7 So instead they had funded and approved a
8 critical needs project which is what's represented here
9 which would demolish the oldest building and put
10 everybody in portables until we had the funding to
11 remodel the school.

12 The two schools that preceded them in total
13 campus remodel are on the bottom of page 110 which I've
14 handed you, Wilson and Lake Elementary.

15 Those have gone forward. Stege is now the
16 third school that will be total campus remodel
17 modernization. That's the project that the board
18 approved for 43 million dollars changing the project in
19 November of 2023. It's the project that has now gone
20 out for request for proposal for design/build which
21 means we'll hire one contractor to do both the design
22 and the building which is a cost effective and time
23 effective model for building schools under the education
24 code.

25 If you look at the second page that I handed

1 you, which is from Exhibit B to Ms. Provenza's
2 declaration, the July 2020 update to the long range
3 facility master plan after the district voters had
4 passed Measure R and gave the district additional
5 funding, this is the fifth page, page 5.

6 It shows that if you were to compare these,
7 that the completed projects all had started timelines on
8 the first page before Stege, and none of the projects
9 that had start timelines after Stege were actually
10 completed or even in process before Stege.

11 It's been on track the entire time. It's been
12 slower because of COVID and because of other funding
13 issues.

14 The district wanted a bond in 2018. It didn't
15 get passed. It wasn't until 2020 they got their bond
16 passed.

17 So Stege has never been skipped.

18 Petitioners also misrepresented the deposition
19 testimony of Melissa Payne by not including key
20 deposition testimony that I've included for you which
21 says the project will go through. It is board approved.
22 She has never known of an RFQ in a design/build
23 situation that has been rejected, where we have not gone
24 to contract, and if the budget was over, the board
25 approves additional money. This project will go

1 through.

2 JUDGE MOCKLER: Stop right there. Let me just
3 make sure I heard that.

4 So if it goes over, which it invariably will,
5 it's still going through?

6 MS. ALBERTS: She says -- testimony that I
7 quoted for you in my supplemental declaration is that
8 she has never seen a contract where they have not been
9 able to negotiate the scope to bring it within budget or
10 within an amount that the district can approve.

11 JUDGE MOCKLER: Okay. Thank you. I'm sorry.
12 Go ahead.

13 MS. ALBERTS: And that what they also have said
14 is that it was more important here actually is that the
15 students are not coming back to the original Stege
16 campus until the school is modernized.

17 When they come back, you don't spend 43 million
18 or more on a school and leave broken floor tiles, mold
19 and broken windows. That's what we're talking about
20 here.

21 Now, so that is definitely moot at this point
22 in time.

23 The petitioners ask you to issue a Writ of
24 Mandate because that's what we're here for, a Writ of
25 Mandate saying remedy the school. Make sure that they

1 guarantee remedy the school.

2 The problem is there's two problems with that.
3 First off, under the Williams Act, which is where the
4 authority would come, it's being specific defects that
5 you have to remedy, and they are supposed to be life,
6 health, safety as defined under the Williams Act, like
7 no fire alarm that's working, these plugged toilets.
8 It's not an issue of build me a new school. That's the
9 discretion. That violates separation of powers between
10 the court and the district.

11 So that's the first major problem is that if
12 you were to order a remedy, it would be to remedy the
13 vague -- those defects that are in the complaints that
14 are like a broken window, cracked floor tiles of an
15 abandoned building that no one will ever be in again
16 until it's been either torn down and rebuilt or
17 completely modernized and brought up to code and
18 district standards.

19 You don't spend 43 million dollars or more on a
20 project and leave broken floor tiles and have bad
21 bathrooms.

22 So that's the issue there is that if you were
23 to order that remedied, remedy the defects in the
24 Williams complaints you're not actually ordering us to
25 build the building. You can't; right? You're ordering

1 us to fix the things in the complaint which would be
2 useless and pointless at this point in time for a closed
3 campus that is going to be remodeled, that students will
4 never be in again.

5 That's the point. These students are safe now.
6 If you take their allegations as true about the hazards
7 of the school, they are in a new building. They are in
8 different buildings. They will be there, and they will
9 never be back on the Stege campus until the
10 modernization project is completed.

11 And so not only is the remedy they're seeking
12 not effective, but it's also that you actually interpret
13 it the way they do it violates separation of powers in
14 the district's discretion.

15 Before I move on to the vacancies, do you have
16 any questions?

17 JUDGE MOCKLER: No.

18 MS. ALBERTS: Okay. So teacher vacancies.
19 They also I want to be -- clarify in citing to the court
20 in their reply brief skipped over or forgot to mention
21 key testimony from the associate superintendent of human
22 resources who testified at deposition last Friday, a
23 week ago.

24 One of that is that if there is a sub in a
25 position, it means that there was no other option.

1 There is a mandate to the -- in the human resources
2 program that they use every available -- try to find a
3 candidate who can get a year long -- whether it's a
4 waiver, whether it's a permit, all of these things
5 before they'll put a sub in a classroom.

6 And if there's a sub in the classroom, that
7 means there was not a qualified candidate applicant who
8 would qualify for any of the waivers.

9 These waivers come with requirements.

10 For example, the PIP, the provisional
11 internship permit, means you have to be enrolled in a
12 credential program but just not yet qualify for the
13 internship program.

14 We've also submitted proof to the court in the
15 supplemental declaration that we use PIPs when they're
16 available, and we filled some of the other vacancies
17 that have been filled using a PIP that were at issue in
18 this complaint.

19 As far as the short term -- the emergency style
20 waiver he calls it, which is a short-term temporary
21 permit, under the Education Code those are only
22 available if a teacher goes on leave unnecessarily, if
23 there is an unexpected rise in enrollment that requires
24 additional teachers and -- or if the applicant
25 requirement isn't ready yet to apply for an internship,

1 so they have to be in a credential program.

2 There is also a variable term "waiver" which
3 they mention in their papers which was never asked about
4 with Associate Superintendent Johnson.

5 However, in my supplement declaration, the
6 district does use -- all available on the board. They
7 could just search the board documents online and put in
8 "variable term waiver," and then we'll see that the
9 district applied for and does use variable term waivers.

10 As far as reassignment goes, as Associate
11 Johnson testified in her declaration, in her deposition,
12 the MOU, the CBA with the union has very limited
13 restriction on involuntary assignments, and I provided
14 that article for the court.

15 There has to be either a school closure or an
16 enrollment issue where they don't need a teacher in a
17 school, and then the teacher gets the consent to which
18 assignment of those 45 openings that we currently have
19 are available where they want to go.

20 So they have to pick Helms Middle School which
21 is the only place we have vacancies of the three schools
22 that are at issue. It's the only place we have any
23 left. They have to be qualified to be a middle school
24 teacher, single subject in math or science, and they
25 have to pick Helms Middle School over all the other

1 openings of middle schools in the district, or there's
2 an involuntary waiver for discipline. So there has to
3 be a teacher that's subject to discipline.

4 Those are the ways you transfer people
5 involuntarily, but there still is an element of consent
6 to the teacher.

7 Now, for the subs that are in these places, we
8 didn't admit that they're not qualified to be
9 substitutes. What we said was they're not qualified to
10 get a short-term variable waiver because they're not in
11 the credential program.

12 One doesn't want to get a credential. She
13 likes being a sub. I can't force her to go get a
14 credential.

15 One hasn't applied for the internship program
16 yet. Can't force her to apply for the internship
17 program. The district can't do that.

18 And as far as the issue with the using of a sub
19 beyond its authorized 30 days, they didn't provide you
20 the testimony of Associate Superintendent Johnson who
21 said, "Yes, I recognize we are in violation, but what's
22 worse? A technical violation or rotating every 30 days
23 a new teacher into the classroom of these students?"

24 Students need consistency. It's better to have
25 one teacher in a classroom for a year or for a longer

1 period of time who becomes part of the staff, who is
2 involved in professional development in department or
3 grade level meetings, and it provides consistency to the
4 students rather than every 30 days rotating in a new
5 teacher just to be technically in compliance with the
6 law.

7 They're doing everything they can, and as soon
8 as they can get a qualified year-long assignment,
9 they'll do it.

10 But, in the meantime, a substitute is the only
11 option they have, and it's better in their minds for the
12 students to keep one teacher there the whole year for
13 consistency than to keep rotating in teachers.

14 JUDGE MOCKLER: Let me ask a question because
15 this is new to me, this aspect. This 30-day rotation,
16 can you explain that a little bit more to me?

17 MS. ALBERTS: Yes. So what the petitioners are
18 asking, what they're saying is when they talk about how
19 we have illegally assigned substitutes.

20 Substitute teachers have -- they are supposed
21 to be in one assignment for a maximum of 30 days under
22 the Education Code.

23 So what that would mean is in a class where we
24 have a substitute teacher assigned because we can't find
25 a qualified year-long candidate, every 30 days we would

1 have to change the teacher in order to comply with the
2 Education Code.

3 If you order us to follow the law with regards
4 to substitute teachers, then as soon as the order
5 becomes effective, those students lose their teacher. A
6 new teacher is put in there, and if in 30 days we
7 haven't had -- the district can't find a qualified
8 candidate, then it will have to replace that teacher
9 again with another substitute teacher for another 30
10 days.

11 And it will go on like that possibly for the
12 whole year if they can't find a year-long replacement.

13 This is four substitutes at Helms Middle
14 School, but as we said in our papers, there are 45
15 openings across the district, so it's not as if the
16 district isn't trying to find viable candidates.
17 They're doing everything in their power, and as soon as
18 they have one, they plug one in, but the teacher also
19 gets to pick what school they want to go to. They apply
20 for certain jobs.

21 So -- and they have to apply to work at Helms
22 Middle School as opposed to Pinole Middle School or any
23 of the other middle schools. There are 55 schools in
24 the district.

25 So that's what the court would be ordering.

1 That teacher -- the four substitutes have now been
2 teaching in that classroom for seven weeks. The school
3 started August 19th.

4 MR. SHIKMAN: Your Honor, may I be heard on one
5 point on this issue just to clarify?

6 JUDGE MOCKLER: On that specific issue, the
7 rotation?

8 MR. SHIKMAN: The specific issues about 30 days
9 because I hear the court is focused on it, and I think
10 it is the easiest, straightforward way to think about
11 this case focusing on the substitutes.

12 The district is framing this as a Hobson's
13 choice between a substitute that is rotating in every 30
14 days and a substitute that's not.

15 And I want to be really clear with the court.
16 That is not the choice. That is not what we're asking
17 the court to do. In fact, we've been very clear that
18 rotating a sub -- a different sub every 30 days is also
19 illegal because the Williams statute requires a single
20 teacher in the class for the whole year.

21 So this is where we agree. A single teacher
22 should be in the class the entire year. The choice is
23 not whether to rotate or not. The choice is whether to
24 make sure that that teacher is certificated.

25 So a really easy way to think about this case

1 is to -- whether the district is following its
2 obligations to ensure that the people they've chosen
3 did -- right now they're substitutes -- are certificated
4 and have gotten a waiver.

5 I think honestly the nub of this issue is the
6 current substitutes are not qualified to get a waiver
7 for the reasons that my friend on the other side just
8 explained. The answer is just to get different
9 substitutes who are qualified.

10 That is the minimal, last, easiest thing that
11 the district can do, and we've laid out the
12 requirements. The state just needs to prove that they
13 have the best available candidate since they can't find
14 any teachers. That that person is at least interested
15 in potentially exploring a credential in teaching
16 curriculum, and that they're going to support that
17 person while they do it.

18 That's all they have to do. Get the waiver,
19 and then they're certificated, and then they comply with
20 the Williams statute.

21 This is not a complicated case. It's an easy
22 case. It's about making sure that the district actually
23 is seeking state supervision for the people that are
24 already there.

25 I just wanted to clarify that one point. I'm

1 happy to address some of the other issues that my
2 colleague's just addressed.

3 MS. ALBERTS: Your Honor, it's not as simple as
4 he just --

5 JUDGE MOCKLER: I'm sorry. Off the record.

6 (Discussion held off the record.)

7 JUDGE MOCKLER: Sorry, Counsel, back on the
8 record. Cleare versus West Contra Costa School
9 District.

10 MS. ALBERTS: Yes, your Honor, in the
11 supplemental declaration of Ms. Provenza, they provided
12 the California Commission on Teaching Credentialing
13 waiver, pamphlet, guidebook.

14 On page 7, it talks about the criteria for the
15 initial waivers.

16 JUDGE MOCKLER: Wait. Hold on. Let me just --
17 okay.

18 MS. ALBERTS: And what it is is it's a waiver
19 of certain requirements for a credential.

20 So the three requirements, one would be passing
21 what is normally the basic skills requirement. So you
22 would look at each of the type of waivers. Here is a
23 credential waiver. This candidate qualifies but can't
24 pass the CBEST test, so you would get a CBEST waiver.

25 Or they have been admitted into the program.

1 They passed the CBEST, and they are in a credentialing
2 program, but they haven't finished it yet.

3 So then the candidate has to affirm that the
4 units would be completed to meet the credentialing
5 requirements.

6 The second one is initial experience. So
7 they've finished their educational classroom part of the
8 credential, but they haven't done the student teaching.

9 That then would be to waive the student
10 teaching to give them a year long -- and you can re-up
11 for these.

12 So if you have a candidate that doesn't want to
13 enroll in a credential program or doesn't -- maybe has
14 passed the CBEST, but they just don't -- they're just a
15 substitute teacher. They don't want to be a credential
16 teacher.

17 A lot of people want that flexibility. They
18 want part-time. They want to do what they want to do.
19 I can't force them.

20 And the testimony of the associate
21 superintendent is the credentialing analyst does
22 everything she can to look at the resumés and determine,
23 okay, do they qualify? And if they qualify, she's going
24 to apply because that's what they want to do. They
25 don't want to have someone who can't be there for the

1 full year. They want to give these students a full-time
2 teacher, but they can't force people to have qualified.

3 And there is other open seats in the district.
4 You find the best candidates. That's not what it is.
5 You just don't find the best candidate. That's not what
6 the waiver requires.

7 So -- and there are -- they put the best
8 candidate out of the available substitutes that they
9 have.

10 There is also a substitute teacher shortage.
11 If you go on any district website, they are hiring for
12 substitutes, and there are 45 positions open in the
13 district.

14 And these are middle school, middle school math
15 and science, which means they have to have at least some
16 background in math and science.

17 So, your Honor, it's not that simple, and it's
18 not a Hobson's choice. They are asking for why I'm
19 framing it as rotating teachers as opposed to leaving a
20 substitute there longer is because that is in essence
21 what the order would be.

22 The district has done everything it can to try
23 to find a full-time teacher that it can designate under
24 the Williams Act. It hasn't been able to, and as soon
25 as it can, it will, but to have an order that says we

1 have to do this to comply with that part of the
2 Education Code means that we will be rotating in at this
3 time a new teacher into that classroom for those
4 students.

5 JUDGE MOCKLER: I really haven't heard anything
6 that's moved the needle for me from where I started
7 before you guys started arguing.

8 I mean --

9 MR. SHIKMAN: Your Honor if I may make one last
10 point on this on the teacher issue.

11 JUDGE MOCKLER: Sure.

12 MR. SHIKMAN: The issue is really one of a
13 possibility. A lot of what just my friend on the other
14 side just said is actually not in the record.

15 For example, evidence about a substitute
16 teacher shortage or efforts to hire substitutes.

17 We've heard a lot about credentialed teacher
18 shortages, but nothing about what it requires to hire
19 substitutes.

20 And, in fact, since we're outside the record, I
21 would proffer the record would show there is a tons of
22 flexible when it comes to substitutes that doesn't exist
23 at the same level when it comes to teacher shortages.

24 So one way of going about this, your Honor, is
25 to issue just an order that they have to comply with the

1 law and remedy of vacancies, and if it's actually
2 impossible, then they can ask for relief under the order
3 and say we have tried. Now we have tried to go hire the
4 substitutes, and we are not able to hire a substitute
5 that we are able to qualify for a waiver.

6 And if it's actually impossible, we don't
7 dispute if it's outside their control, then they can't
8 be held accountable for it, but that may be one way to
9 proceed with respect to the teachers.

10 MS. ALBERTS: We're saying that now.

11 JUDGE MOCKLER: Yes. I mean, she is saying it
12 now. To me the district has said that in all of their
13 pleadings as well.

14 The shortage of teachers, both credentialed and
15 substitute teachers, is nothing new. I mean, I moved to
16 California in 1973, and in 1973 there was a shortage of
17 teachers.

18 This is chronic. It is not something that has
19 all of a sudden became an issue.

20 And then when you throw into the mix that
21 you're talking about public schools in West County, the
22 district has even more problems. You know, the few
23 teachers that are coming out of credential programs,
24 most of them unfortunately want to teach in places like
25 Lafayette and San Ramon and Moraga and Orinda. They

1 don't want to teach in Richmond.

2 So I haven't heard -- I haven't read anything
3 and I haven't heard anything that convinces me that the
4 school district is refusing to do things to make the
5 situation better.

6 What I'm hearing and what I've read is that the
7 school district is well aware of the issues. That they
8 are doing the best they can with the limited pool of
9 substitutes and teacher -- teachers.

10 I just don't see -- petitioners haven't
11 convinced me so far that there needs to be a order, a
12 court order saying "School district, you must do this,
13 and you must do that, and you must do this, and you must
14 do that."

15 It appears to me -- this is not a situation
16 where the school district has sat on their hands, so to
17 speak, and ignored parents' complaints and ignored the
18 public's complaints and have done nothing. That isn't
19 the case. They're aware of the issues. They've been
20 doing what they can.

21 But the district -- it is quite complicated.
22 It is much more complicated than the petitioners give
23 credit for because not only do you have people not going
24 to credential programs, but you have teachers who are
25 aging out and retiring, so you've got vacancies there.

1 Teaching is not this glamorous job that all the
2 young people coming out of college now want to do.
3 That's not what they want to do. They want to get into
4 the tech center and things that are more glamorous.

5 So you've got that problem. And then you've
6 got, as Ms. Alberts mentioned, you've got the issue of
7 unions, of the teachers who are credentialed who are
8 regular teachers. They have MOUs. They have rights
9 under the MOUs. The school district is not free to just
10 say, "Hey, you with your math and science background,
11 you're going to go teach at Helms." They don't have the
12 right to do that.

13 And with the substitutes, I mean, what I'm
14 hearing is if you have people who aren't -- quote,
15 unquote -- qualified because they haven't taken the
16 test, and they're not credentialed, then the options are
17 you have no teacher or you have teachers who are
18 provisionally qualified who at least are there giving
19 the kids some modicum of education.

20 So I have not been convinced by the reams of
21 pleadings that petitioners have provided or the
22 arguments today to convince me that the court should
23 issue a Writ of Mandate to make the school district do
24 anything that they aren't already doing.

25 MR. SHIKMAN: Your Honor, may I raise one issue

1 that perhaps is the easiest issue in this case that
2 doesn't have to do with either fixing the school or the
3 teachers specifically, and that is the failure to at
4 least respond to the complaints.

5 The Williams is a process statute, and that
6 process is important for districts throughout the state
7 to follow.

8 And in the 20 years since the Williams statute
9 has been on the books, we are aware of no other district
10 that has so willfully ignored the process requirements
11 of the Williams statute.

12 We've filed 45 complaints, and they ignored
13 them completely despite a statutory obligation to
14 respond. Those complaints they conceal in a quarterly
15 report despite a statutory obligation to include them,
16 and the answer to the court is they don't have to comply
17 with those statute requirements because in the context
18 of those lawsuits, they've already told petitioners'
19 lawyers all that those complaints would have required.

20 But the danger of accepting that position, if
21 that were true, the Williams process requirements would
22 not be enforceable. They would only matter once a
23 lawsuit happened, and then the district would just say
24 whatever they were going to say in that complaint.

25 So at a minimum, an order that requires the

1 district to follow the reporting requirements of the
2 Williams statute is necessary to hold the district
3 accountable to at least those requirements so that in
4 the future they follow those requirements and that there
5 is at least a precedence so other districts know the
6 Williams statute is not in nullity when it comes to the
7 process issues.

8 So far it's conceded by the other side that
9 they didn't follow those requirements, and the answer is
10 simply that it doesn't matter. We don't think that
11 should work.

12 MS. ALBERTS: That is not what the answer is.

13 JUDGE MOCKLER: Well, Ms. Alberts, you tell me.
14 What's your position on that?

15 MS. ALBERTS: We did respond to the teacher
16 vacancy responses. They even appealed them to the
17 board.

18 With respect to the Williams Act for the 45
19 when they talk about Stege, so I didn't go into this
20 because to my mind they're moot. As we discussed, it's
21 not that the responses don't matter, it's now they're
22 moot.

23 The community knows that they're not going
24 back. They've been for seven weeks now they've been in
25 a different campus at a new school; right?

1 They know about the modernization plan, but
2 more importantly they know they're not going back to
3 that campus ever again until it's been fixed, until it's
4 been modernized.

5 If you actually looked at the complaints that
6 were turned in in June of '23, they were all dated
7 between October of '22 and January of '23. And then
8 they waited six months -- five months or eight months,
9 depending on the date, to turn them in to the district.

10 By that point in time -- and some of them don't
11 even have anything written down as to what the defect is
12 that they're talking about.

13 A good number of them say "Please remodel my
14 school. It's really old" basically.

15 That's not a Williams Act complaint. It is a
16 condition that exists as an emergency, urgent or threat
17 to the life, health or safety of students including gas
18 leaks, nonfunctioning heating, ventilation, fire
19 sprinklers or air-conditioning systems, electrical power
20 failure, major sewer stoppage, major pest or vermin
21 infestation, broken windows or exterior doors or gates
22 that will not look and that poses a security risk.
23 Abatement of hazardous materials previously undiscovered
24 that impose an immediate threat to people or staff or
25 structural damage to creating hazardous or uninhabitable

1 conditions.

2 I'm reading this off of the Williams Act forms
3 that quote from the Education Code and from the Code of
4 Regulations.

5 For a restroom that isn't cleaned or properly
6 maintained, not fully operational or has not been
7 stocked.

8 So the only thing in here that even
9 qualifies -- they complain about being hot. That's
10 because the school doesn't have air conditioning. It
11 was built awhile back. We can't install an air
12 conditioning. It's not that it's broken. The Williams
13 Act doesn't require us to install it. It doesn't have
14 air conditioning. It's Richmond. A lot of people don't
15 have air conditioning in Richmond because of where it is
16 on the bay.

17 They talk about windows that don't open. Well,
18 they are designed not to open.

19 JUDGE MOCKLER: Can I stop you right there?

20 MS. ALBERTS: Yes.

21 JUDGE MOCKLER: What is the problem with saying
22 that, responding to these parents and saying "Okay, we
23 got your complaints about the windows, and the windows
24 don't open because they are not supposed to open.
25 That's the way they were made."

1 Or here's one, the ceiling has fallen on
2 children, dry rot in the bathrooms and mold. What is
3 the difficulty in having someone at the school district
4 say "We received your complaint. We understand your
5 concerns. These are the things that we're doing before
6 the remodel."

7 MS. ALBERTS: Right.

8 JUDGE MOCKLER: I mean, I'm looking at these,
9 and it's not just -- it isn't just in the context of the
10 school, but when somebody makes a complaint to a agency
11 or a person who is supposed to be an authority, a simple
12 acknowledgment, "Got your complaint. Looking into it"
13 or if you have more information, giving it to them.

14 And it sounds like that is required by the
15 Williams statute.

16 MS. ALBERTS: So they responded in December and
17 said that they were -- it wasn't within the timeline,
18 but because a lot of complaints were older, and that
19 they had multiple issues, they were going to go back.

20 At that point in time then they got started the
21 public process for approving the -- they had already, as
22 they note in the response in December, they had already
23 told the complainants that, hey, we've passed -- the
24 board has approved a 43 million dollar project to fix --
25 to remodel -- to modernize the school.

1 JUDGE MOCKLER: But who was that told to? The
2 public?

3 MS. ALBERTS: No. It was told in the letter in
4 the December 2023 response to the petitioners.

5 JUDGE MOCKLER: Okay, but that's a lawsuit.

6 MS. ALBERTS: No. This is before the lawsuit
7 was filed.

8 JUDGE MOCKLER: Okay.

9 MS. ALBERTS: That counsel was reaching out to
10 the district, and so they provided that response to the
11 petitioners through their counsel.

12 JUDGE MOCKLER: Okay. But that's still in the
13 context of litigation as opposed to, you know, the
14 mother of the second grade student who talks about -- I
15 can't remember the second -- the mother, the parent or
16 the student, whoever, who is talking about the mold and
17 the tile -- broken tiles.

18 I just don't -- I mean, I'm with the
19 petitioners there, and especially since that seems to be
20 required by the Williams statute, a simple
21 acknowledgment and say "We hear your complaint. We're
22 working on it" or "This is what we're doing" or "We
23 can't do anything about it," something.

24 MS. ALBERTS: So you would order us to send a
25 letter to the petitioners who already -- to the

1 complainants who already know that they're not going
2 back -- to tell them that they're not going back to that
3 school?

4 JUDGE MOCKLER: No. I'm saying going forward,
5 because I think this is what petitioners want going
6 forward, that when you get a Williams complaint about
7 facilities at a school that you will comply with the
8 Williams statute requirements to respond to the
9 complaints and remedy them if you can. I don't see
10 that --

11 MS. ALBERTS: I don't see that as a problem
12 other than the only thing I would say is that in this
13 case it's about these. They're asking about an order
14 about these complainants a response. They're not
15 talking about a forward looking order to comply with the
16 law.

17 And so if it's the backward looking order,
18 that's moot. If it's a forward looking order, they have
19 provided no evidence that this wasn't an aberrational
20 situation about failure to respond given the weirdness
21 of 45 complaints all dated months earlier being all
22 submitted as one in June as school is going out, and
23 it's 45 working days.

24 So I get -- I'll be honest, nobody at the
25 district currently can figure out why there wasn't a

1 response until December. And I think that this was a
2 fall through the cracks situation because there is no
3 evidence of any other Williams complaints where the
4 district hasn't responded to or put in the relief. You
5 can look at the courts online. They list facility
6 complaints.

7 I think part of it was also because some of
8 these weren't actually Williams complaints. They didn't
9 qualify under the act.

10 So in that vein, I don't -- if they're going to
11 get an order to comply with the law in the future, okay.

12 Are they now going to seek from us, you know, a
13 thousand dollars an hour in attorney's fees for us to
14 follow the law when the situation that they're
15 addressing in this petition is moot.

16 Anybody who still has a beneficial interest in
17 the Stege Elementary School knows that they're not going
18 back.

19 JUDGE MOCKLER: Yeah, but I think this is --
20 you're representing the West Contra Costa County School
21 District which has, you know, control over numerous
22 schools in West County, so we're not just talking about
23 Stege.

24 Stege is, I agree, it's a moot point now, but
25 when you get these types of complaints from students and

1 parents about other issues, facility issues at other
2 schools, I mean, you have to comply with the Williams
3 statute. You have to deal with the complaints. You
4 can't just say, "Oh, you know, now they're moot." Sit
5 on them for months and say "Now they're moot."

6 So I don't understand what your concern about
7 the attorney's fees because you think if I make an order
8 they're going to come in at some point to enforce the
9 order, and then you'll have to be on the hook for
10 attorney's fees? Is that what you're concerned with.

11 MS. ALBERTS: Not to enforce it. I think this
12 was an aberrational situation because they responded to
13 other facilities complaints. It was the uniqueness of
14 the 45 that are all backdated that don't really qualify
15 that are all about basically "I want a better school"
16 which aren't Williams Act complaints.

17 Because at this time they're also having
18 community meetings in order to develop the plans for the
19 modernization program.

20 So I think that the issue is the prevailing
21 party where, you know, private Attorney General statute
22 where here they haven't proven that what they're asking
23 for in this complaint is -- at this point in time the
24 ones about Stege are moot.

25 An order that says, "Okay, if you get one in

1 the future, comply with the Williams Act." Even if they
2 don't enforce it, that's my concern. Plus an order to
3 comply with the law isn't really the issue in terms of
4 equitable relief.

5 JUDGE MOCKLER: Okay. I'm with you there. I
6 mean, these complaints that are part of this petition
7 had to do with Stege, and they are moot given the fact
8 that the school is closed and is getting remodeled.

9 So back to you, counsel for petitioners, why
10 should I make a forward -- going forward order? Why
11 should I do that?

12 MR. SHIKMAN: Because I think there is a couple
13 of things, your Honor.

14 Firstly, this is not an aberration. I think if
15 you look at the failure to respond to these complaints,
16 in conjunction with the decision to conceal the
17 complaints in the public reporting to the board and to
18 the public, it shows that there is an attitude within
19 the district, a cavalier attitude about these complaints.
20 They're not taking it seriously enough.

21 And these petitioners, these complainants, they
22 are families that were associated with Stege. These are
23 young kids that will be in the West Contra Costa
24 District for the rest of their grade school years, so
25 they're entitled to know that their district that is

1 providing public school education to their kids, that
2 when they make a complaint about the school that they're
3 in, that it's going to be responded to in the way that
4 the statute requires.

5 And we know that the district has not honored
6 that or taken it at all seriously in connection with
7 this particular school.

8 And I just will say as an aside, your Honor,
9 the fear that we might bring an attorney's fee motion
10 after we prevail on this limited issue is not a basis
11 not to give us the relief that we're entitled to under
12 the law.

13 If there's a motion, and I have no idea sitting
14 here today whether you would consider that, you can
15 consider it at that point say that it is not warranted.

16 But if we're entitled to relief under the law,
17 we should be granted that relief.

18 JUDGE MOCKLER: But, okay, so Ms. Alberts has
19 said, and I don't know if it's true, that these 45
20 complaints were all provided to the district all at
21 once. Is that correct?

22 MR. SHIKMAN: They were provided all at once.
23 That was in June of 2023. There is a 45-day response
24 deadline. No response. No response. No response.

25 Finally after being pushed, they responded, as

1 counsel said, in December saying "This is a lot all at
2 once. We will get you a substantive response in January
3 of this year."

4 January came and went. No response. No
5 response. No response. More communications. We
6 finally had to file this lawsuit to get any kind of
7 response.

8 Four days later we learned that the students
9 are being relocated to a different site.

10 So the point is that the district does not take
11 this seriously. The district needs some signal at least
12 as to these process issues when there is a complaint
13 they should be responding to that complaint and
14 importantly telling the complainant what they are going
15 to do about it.

16 If it is impossible, and they can't follow
17 through with the timeline, then just say that.

18 In almost every case across the state, that's
19 what happened. There is no lawsuit that arises out of
20 that. The district works it out with whoever is either
21 representing the family or with the family itself.
22 That's all we are asking for in this case.

23 JUDGE MOCKLER: Ms. Alberts, you all know the
24 timeline. Obviously I don't. Is that a correct
25 chronology that the complaints were delivered to the

1 school district in December of 2022?

2 MR. SHIKMAN: June 2023.

3 JUDGE MOCKLER: They were delivered June 2023,
4 and then there was no response until when, Ms. Alberts?

5 MS. ALBERTS: All I know they were purported to
6 have been delivered by petitioners in June of 2023. I
7 can't -- haven't been able to find anybody at the
8 district to confirm that.

9 However, I do know that there was a response
10 that went out in December of 2023 that did say "We'll
11 get back to you. We have to look into this. We'll get
12 back to you in January."

13 I do know I believe there were communications
14 with plaintiff's counsel that -- the petitioners'
15 counsel in between all that, as counsel just admitted,
16 and then in February of 2023 is when the board approved
17 the design/build project to move forward with Stege as a
18 design/build project.

19 And as far as -- and then the timing on the
20 closure was -- the decision was made on July 23rd to
21 close the school.

22 And I guess this lawsuit was filed on the 19th,
23 but it wasn't served and certainly was not aware of it
24 until the 8th of August.

25 So that timeline is correct. And it's also --

1 if the court can note, that a lot of the -- all of the
2 Williams complaints well predate the June filing -- the
3 June submission to the district.

4 And I think that what we get into is that this
5 counsel speculates or talks about how the district
6 hasn't responded, and if they didn't, I will admit that.
7 I have to. It's assuming that they got them in June,
8 and they should have responded sooner than December.

9 However, that part here is moot. As far as
10 going forward for an order to comply with the law which
11 you're not supposed to issue, there is no evidence that
12 other properly submitted facilities complaints are not
13 responded to by the district, or that if in November of
14 2022 when they signed these, the complainant had
15 actually turned it in by themselves that it wouldn't
16 have been responded to.

17 And all this is taking place during a time
18 period as we lay out in the declaration of public
19 process working with the community towards the design on
20 the modernization program knowing that we're going to,
21 you know, redo the school.

22 So that's my point there is that there is no
23 evidence that this -- that an order needs to issued
24 because the district on the regular flagrantly does not
25 put Williams Act -- does not respond to Williams Act

1 complaints that are submitted regarding facilities.

2 If you look at the cover letter that supposedly
3 went with them, other than the fact that they're on
4 Williams Act complaints, the cover letter is like these
5 are complaints that we've gotten from community
6 meetings.

7 So it's unclear whether the cover letter really
8 intended them to be treated under the Williams Act to
9 me, but other than that, they're on the forms that were
10 signed, you know, earlier in the school year.

11 So that's the issue that I have there, but as
12 far as issuing a writ saying comply with the law going
13 forward, there's no evidence that the district -- well,
14 they replied to the vacancy requests in a timely manner,
15 and there is no evidence they don't respond or report to
16 the board other facilities act complaints.

17 I think one issue with this facilities -- the
18 board report is that did you report them in June of
19 2023? But the complaints were all about things that had
20 already been in the past, in 2022.

21 And do you have to report complaints that don't
22 comply with the Williams Act, that aren't about Williams
23 Act issues?

24 So that's sort of the -- if you don't actually
25 submit a valid Williams Act complaint, does the statute

1 require you to respond to it?

2 JUDGE MOCKLER: Well, it is really hard for me
3 to determine whether this is an aberration or not. I
4 think -- I mean, both sides agree that these 45
5 complaints about Stege were basically collected and held
6 and then turned over to the school at the end of the
7 school term in June of 2023.

8 Now, yes, the statute does say that there has
9 to be a response within 45 working days, and the
10 response -- a response was clearly well beyond the 45
11 days if it was in December of 2023.

12 However, these are complaints all about Stege
13 which is now a moot issue because no students are at
14 Stege, and I haven't seen any -- I haven't seen any
15 evidence from petitioners that there are other times for
16 other schools, other Williams-type complaints that
17 didn't comply with the statute.

18 So, I mean, the court is inclined to think that
19 counsel for petitioners decided to collect a number of
20 complaints and then deliver, you know, a packet, a
21 number of complaints at one time, and there's probably
22 good reasons for doing that, but the complainants, the
23 parents and the students here who filled these out,
24 they -- see, we've got October 3 of 2022; October 3,
25 2022; November 15 of 2022; December 14 of 2022; another

1 October 3rd; October 15, 2022. I've got a lot from
2 October 3, 2022. There must have been somebody at
3 school saying "Fill out a complaint."

4 MR. SHIKMAN: I do want to clarify, your Honor.
5 Counsel did not collect these. It was collected by
6 teachers and parents.

7 JUDGE MOCKLER: Well, okay. That's a good
8 clarification, but still these.

9 MR. SHIKMAN: And just one last clarification.
10 It was the petitioner herself who submitted them. It
11 was the teacher at Stege.

12 JUDGE MOCKLER: Okay. I've gone through all of
13 them, and the vast majority that were submitted were
14 filled out in October or November and December of 2022.
15 There's three or so maybe from January 19th of 2023, and
16 one I think I saw from January 20 of 2023.

17 Clearly, you know, they were collected and then
18 held onto until the end of the school year and then
19 submitted to the district, and everybody knows, you
20 know -- everybody should know that during the summer
21 there's limited staff, limited ability to do anything at
22 schools.

23 I'm not saying that it was a good thing that
24 they waited until December of 2023 to respond, but I
25 don't see anything -- I don't see any reason to make an

1 order telling the school district to comply with the law
2 that they already know they need to comply with,
3 especially since it's pretty clear from the evidence
4 that the petitioner or petitioners sat on the complaints
5 for quite a while and turned them all in at once, so
6 there's both sides here didn't comply with what they
7 should be doing.

8 So --

9 MR. SHIKMAN: If I may make one point on that.

10 First of all, the response in December was a
11 blanket letter saying "We received them. We'll get back
12 to you in January." No response in January.

13 And I think just to illustrate the process
14 problem here, as you heard from my colleague on the
15 other side, the next month, in February, the board
16 approved a design/build project.

17 Still no response. The petitioners were not
18 informed about what was going on with the school that
19 their kids are at.

20 This is important to these families, and the
21 district did not take that seriously enough to send a
22 letter, even a blanket letter saying "Here's our plan"
23 that would enabled the petitioners to review it, assess
24 whether we should even be in court today, appeal it to
25 the state as is their right under the statute.

1 These are the processes that the Williams
2 statute was designed for. It's a processed statute.
3 And the district thumbed its nose at it.

4 So all we're asking for is an order saying stop
5 thumbing your nose. This is the statute and respond to
6 complaints within the 45-day working day timeline.

7 And if the court has concerns about a going
8 forward aspect to this, there is a solution. Oftentimes
9 with injunctions there can be timelines, expiration
10 dates for those kind of injunctions.

11 The families that submitted these complaints,
12 as I said earlier who have kids who will be in the
13 school district up until 12th grade, you can set an
14 expiration on that order from the date a kindergartner
15 at Stege until the end of 12th grade. So those families
16 at least have the assurance, those families that have
17 been harmed by the process violation here, have the
18 assurance that they at least will not be harmed as their
19 kid proceeds in the district.

20 I see my colleagues laughing at this, but it's
21 not a joking matter. These kids are unsafe. They were
22 unsafe, and the school district is prioritizing -- is
23 trying to work on other schools throughout the district,
24 and that's laudable, but these families should know when
25 they have a complaint about the safety of their kids,

1 that the district is going to take is seriously.

2 So we ask for an order to that effect at a
3 minimum to make sure that the district is following it's
4 statutory obligations.

5 MS. ALBERTS: Your Honor, I was laughing
6 because that's a 13-year injunction without any proof of
7 a pattern of practice that would be warranted.

8 I also want to note for the record Exhibit D to
9 my declaration I turned in with my opposition there is a
10 timeline in here regarding the modernization program
11 that shows site meetings with the community in October
12 of 2023 about what the architects talking about options
13 for renovating, getting their community input into what
14 renovations they wanted to see and then site meetings in
15 April and June of 2024 where they had bridged -- the
16 architect drafted the bridge documents for the
17 design/build program.

18 So the community was very involved at Stege
19 with regards to the modernization project, and they knew
20 it was going forward.

21 JUDGE MOCKLER: Okay. Well, I am not persuaded
22 that this is an ongoing problem.

23 Furthermore, while petitioners are now saying
24 it was so terrible, conditions were so bad, the kids
25 were in such terrible -- under such terrible conditions,

1 the majority of these complaints were filled out and
2 signed on October 3 of 2022, and somebody decided to
3 hang on to those for eight months and only in June of
4 2023 provide them to the school district.

5 So I can't find that this was so bad, so
6 terrible that the kids and the families were so
7 traumatized by these conditions that a decision was made
8 by someone -- I'm not saying it was counsel. It sounds
9 like it was before counsel got involved -- to not bring
10 this to the attention of the school district ASAP to get
11 immediate responses and immediate remedies.

12 So I think I have heard a lot of arguments, and
13 I'm still where I began which is that the first issue
14 with regards to Stege is moot, so the Writ of Mandate is
15 denied.

16 And as to the teachers, the complaints about
17 teacher vacancies, the court is also denying the writ.
18 I do not see that the defendant is refusing to comply
19 with the law or refusing to fill these vacancies.
20 They're doing the best they can, so I do not see a basis
21 for a Writ of Mandate.

22 MR. SHIKMAN: Thank you, your Honor.

23 MS. ALBERTS: As far as preparation for an
24 order, your Honor, what would you like?

25 JUDGE MOCKLER: It should be counsel.

1 MS. ALBERTS: We'll take that on.

2 JUDGE MOCKLER: Okay.

3 MS. ALBERTS: Thank you.

4 MR. SHIKMAN: Thank you for your time, your
5 Honor. I know there was a lot to read.

6 JUDGE MOCKLER: There was. It was, I will say
7 this, very educational.

8 (Whereupon, the proceedings were concluded at
9 10:24 a.m.)

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REPORTER'S CERTIFICATE

I, KIMBERLEY RICHARDSON, a Shorthand Reporter,
State of California, do hereby certify:

That said hearing was taken before me at said
time and place, and was taken down in shorthand by me, a
Certified Shorthand Reporter of the State of California,
and was thereafter transcribed into typewriting, and
that the foregoing transcript constitutes a full, true
and correct report of said proceedings that took place;

IN WITNESS WHEREOF, I have hereunder subscribed
in my hand this 17th day of October 2024.



KIMBERLEY RICHARDSON, CSR No. 5915
State of California

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EXHIBIT 7

Superior Court of California, Contra Costa County

Department 27
925-608-1000
www.cc-courts.org



K. Bieker
Court Executive Officer

MINUTE ORDER	
SAM CLEARE VS. KENNETH HURST	N24-1353
HEARING DATE: 10/11/2024	
PROCEEDINGS: COURT TRIAL HEARING	
DEPARTMENT 27 JUDICIAL OFFICER: TERRI MOCKLER	CLERK: MEGAN HANING COURT REPORTER: K. Richardson, CSR #5915
<u>JOURNAL ENTRIES:</u>	
Counsel: Rohit Singla, Karissa Provenza and Dane Shikman for the Plaintiffs appears in person. Counsel: Katherine Alberts for West Contra Costa Unified School District, appears in person. Court Reporter: Kim Richardson, CSR #5915	
<u>Reported:</u>	
Oral argument of Counsel for Plaintiffs. Oral argument of Counsel for West Contra Costa Unified School District.	
As stated on the record, the Court having heard a lot of argument from both counsels denies the Writ of Mandate. The Writ of Mandate is denied. The teacher vacancies writ of mandate is denied. Further, the Court does not see a basis for the Writ of Mandate.	

DATED: 10/11/2024

BY: _____

M. HANING, DEPUTY CLERK

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EXHIBIT 8

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14 *Counsel for Petitioners*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF CONTRA COSTA**

17 SAM CLEARE, SARAH KINCAID,
18 JEREMIAH ROMM, HILDA CRISTINA
19 HUERTA, AND JETAUN THOMPSON

20 Petitioners,

21 v.

22 WEST CONTRA COSTA UNIFIED SCHOOL
23 DISTRICT, KENNETH CHRIS HURST, WEST
24 CONTRA COSTA UNIFIED SCHOOL
25 DISTRICT BOARD OF EDUCATION,
26 JAMELA SMITH-FOLDS, DEMETRIO
27 GONZALEZ HOY, OTHEREE CHRISTIAN,
28 MISTER PHILLIPS, AND LESLIE RECKLER,

Respondents.

Case No. N24-1353

**NOTICE OF MOTION AND MOTION
FOR NEW TRIAL (CCP § 657, 659);
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

Judge: Hon. Terri Mockler
Dept.: 27

HEARING SET:
02/26/25
9:00
D16

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1 **NOTICE OF MOTION AND MOTION**

2 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that, on a date and time set by the Court as soon as the Court is
4 available, Petitioners will and hereby do move for a new trial on the petition for a writ of mandate
5 under Code of Civil Procedure sections 657, 659.

6 On October 11, 2024, this Court held a merits hearing on Petitioner’s petition for a writ of
7 mandate to compel Respondents to follow Education Code sections 35186 and 44830 with respect
8 to various administrative complaints about certain school facility conditions and teacher vacancies.
9 The Court denied the writ petition orally and in a minute order on October 11. Petitioners now
10 seek a new trial on the merits of their petition on the basis that the prior decision reflected an error
11 in law, invited by Respondents’ misstatements, as well as on the basis of newly discovered
12 evidence that was not available at the time of the October 11 hearing.

13 The Motion is made on the following grounds. A new trial—or a new hearing on the
14 merits of a writ petition—may be granted if there was an “[e]rror in law” or there is “[n]ewly
15 discovered evidence” that could not have been produced at the trial. (Code of Civ. Proc. § 657(4)
16 (6), (7).) At the hearing, Respondents made a number of legal and factual statements concerning
17 their ability to follow the Education Code with respect to Petitioners’ administrative complaints,
18 which led the Court erroneously to deny the writ petition. Petitioners now present declarations
19 from the Executive Director of the California Commission on Teacher Credentialing as well as
20 from the executive director of the local teachers’ union to correct the false record created by
21 Respondents’ misstatements that were the basis of the Court’s erroneous decision. Petitioners
22 seek a new trial to vacate the prior erroneous decision, and to obtain a writ petition compelling
23 Respondents to follow the law as outlined in Petitioners’ Petition for Writ of Mandate (filed July
24 19, 2024) and Motion to Issue Writ of Mandate (filed Aug. 30, 2024).

25 A motion for new trial is timely if made at least before 15 days after service of entry of
26 judgment (or 180 days after entry of judgment). (Code Civ. Proc. § 659(a)(2).) Judgment has not
27 been entered in this case, so this Motion is timely. Petitioners have attempted to obtain an agreed
28 upon proposed judgment from Respondents’ counsel but have not been able to do so, despite

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1 multiple attempts, and so Petitioners submitted a proposed judgment that is pending review. (See
2 Notice of Submission of Proposed Order and Judgment (Dec. 18, 2024).)

3 This Motion is based on this Notice of Motion and Motion; the attached Memorandum of
4 Points and Authorities; the concurrently filed Declarations of Dr. Mary Vixie Sandy, Mark
5 Mitchell, and Karissa Provenza; all other pleadings and papers on file in this action; such matters
6 of which the Court may properly take judicial notice; and such other evidence and argument as
7 may be presented at or before the hearing on the Motion.

8

9 DATED: December 23, 2024

Respectfully submitted,

10

By: s/ John T. Affeldt
 Karissa A.D. Provenza

11

PUBLIC ADVOCATES INC.
John T. Affeldt
Karissa A.D. Provenza

12

13

14

By: s/ Dane P. Shikman
 Dane P. Shikman

15

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Laura R. Perry

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Counsel for Petitioners

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Petitioners move for a new trial to correct critical errors of law in the Court’s decision
4 denying the writ petition, which appear to result from misstatements of law by Respondent West
5 Contra Costa Unified School District (“WCCUSD” or the “District”).

6 This Court’s ruling marks the first time that Petitioners are aware of in the long history of
7 California public education that a court has held that a school district can continue to staff
8 classrooms with illegal, uncertified personnel. The result is no more permissible than allowing
9 unlicensed individuals to practice law before this Court or medicine in local hospitals. Many of
10 the unqualified individuals at issue are now in their fourth month of teaching at Helms Middle
11 Schools, despite the fact that given their lack of qualifications, state law prohibits them from being
12 assigned to any classroom for more than 30 days. The Court was led to conclude these individuals
13 “are provisionally qualified [and] at least are there giving the kids some modicum of education,”
14 (Declaration of Karissa Provenza (“Provenza Decl.”), Ex. A (Oct. 11, 2024 R.T. at p. 31:17–19)),
15 but both conclusions are legal error. As demonstrated below, such individuals are wholly
16 unqualified and uncertified. Moreover, the State considers instruction from such uncertified
17 individuals to be precisely *not* among the “educational activities” state funds are permitted to
18 support. (Ed. Code § 46300(a); fn. 2, *infra.*)

19 Even worse, the Court’s refusal to order the District to fill certificated positions only with
20 certified personnel provides WCCUSD a unilateral *carte blanche* to utilize other uncertified
21 persons—parents, undergraduates, classroom aids without B.A.’s, etc.—whenever it next decides
22 that lawfully authorized personnel are “too hard” to find. Meanwhile, students at Helms and in
23 other classrooms across the district are losing irreplaceable educational opportunities while
24 receiving instruction from potentially well-meaning but wholly unqualified classroom proctors.

25 Accompanying this motion are declarations—from the Executive Director of the California
26 Commission on Teacher Credentialing (CTC), Dr. Mary Vixie Sandy and the Executive Director
27 of the local teachers’ union, Mark Mitchell—correcting Respondents’ misstatements and
28 clarifying state certification laws. The declaration from Dr. Sandy of the CTC also explains the

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1 profound negative impact the Court’s ruling could have on the quality of the state’s educator
2 workforce.

3 There is no dispute that the District is violating state law that mandates that every
4 classroom be staffed by a single designated, certificated year-long teacher. (Ed. Code
5 § 35186(h)(3).) The District has conceded that it is violating that mandate by staffing multiple
6 classrooms with uncertificated, unqualified substitutes working beyond their authorization. The
7 Court, nonetheless, refused to grant a writ requiring compliance with the Education Code based on
8 the District’s assertion that it is doing all it can to fill the vacancies. The Court explained that,
9 given the District’s representations, it could not “make the school district do anything that they
10 aren’t already doing” since the District “is well aware of the issues” and is “doing the best they
11 can with the limited pool of substitutes and teacher[s].” (Provenza Decl. Ex. A at pp. 30:6–9,
12 31:23–24.) This was error for two reasons.

13 **First**, there is much the District could do but is not. The District could, for example,
14 reassign credentialed teachers from administrative or other non-teaching positions. At the hearing
15 and in its opposition brief, the District claimed that it is barred from doing so under the MOU with
16 the teachers’ union, the United Teachers of Richmond (UTR). (Provenza Decl. Ex. A at p. 19:10–
17 13.) The Court accepted that representation. (See *id.* at p. 31:5–12 [The Court: “And then you’ve
18 got, as [WCCUSD counsel] mentioned, you’ve got the issue of unions, of the teachers who are
19 credentialed who are regular teachers. They have MOUs. They have rights under the MOUs. The
20 school district is not free to just say, ‘Hey, you with your math and science background, you’re
21 going to go teach at Helms.’ They don’t have the right to do that.”].) Petitioners have confirmed
22 that is simply untrue. The accompanying declaration from Mark Mitchell, the Executive Director
23 of UTR, explains that the District has filled many vacancies through involuntary transfers under
24 Education Code § 35035(e). (Declaration of Mark Mitchell (“Mitchell Decl.”) ¶¶ 5-6). And just
25 this past month, the District contradicted its own protestations of impossibility by announcing it
26 will involuntarily transfer 40 teachers from non-teaching positions to fill vacancies. (*Id.* ¶ 6.)
27 Despite this maneuver, the four current vacancies at Helms, and one new vacancy at Stege that are
28 the subject of the writ petition have not been filled; and, despite this “newfound” assignment

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1 practice, the District is nevertheless continuing its illegal practice of using uncertified expired
2 substitutes to fill vacancies at Helms, Stege and elsewhere across the District. (*Id.* ¶ 7.)

3 Moreover, the declaration from the CTC and Education Code provisions confirm that
4 WCCUSD can seek waivers from state agencies as a last resort if it can find no other way to
5 comply with the Education Code’s mandates regarding certificated teachers. The night before the
6 hearing, and at the hearing, the District claimed for the first time that it could not seek waivers
7 from the CTC because none of the people filling the vacancies at Helms qualify for a waiver.
8 (Supp. Alberts Decl. ¶ 8.) The District argued that, as a result, there is nothing more it could do to
9 fill vacancies under the law. (Provenza Decl. Ex. A at pp. 20:7–21:13.) The Court appears to
10 have accepted this representation, but it is simply untrue. The Legislature has broadly empowered
11 the Commission to waive certification provisions of the Education Code and the California State
12 Board of Education (the SBE) to waive an even broader range of the Education Code, including a
13 school’s statutory duty to remedy complaints established by the *Williams* settlement. (Declaration
14 of Dr. Mary Vixie Sandy (“Sandy Decl.”) ¶ 14; Ed. Code § 44225(m)(1)(D), (E); Ed. Code §§
15 33050-33053.) Again, there is much the District can do to comply with the Education Code,
16 including seeking and obtaining the appropriate waivers.

17 **Second**, and more fundamentally, the Court erred in unilaterally absolving the District of
18 its legal obligation to provide all students with a year-long, certificated teacher based on the
19 District’s assertion that it is unable to comply with the Education Code. No provision of the law
20 grants this Court the authority to waive the Legislature’s mandates to comply with state
21 certification laws or the *Williams* minimum teacher standards. Instead, if compelling hardships
22 are present, the Legislature has given the authority to grant waivers to expert agencies, who have
23 resources and knowledge on these issues that the Court does not have. (*Communities for a Better*
24 *Env’t v. State Water Res. Control Bd.* (2003) 109 Cal.App.4th 1089, 1104.) These state agencies,
25 the CTC and the SBE, have the sole authority to grant a waiver if necessary, and to condition any
26 waiver on further action by the District as appropriate. The agencies can also ensure that the
27 District’s recruitment, hiring, and assignment practices and efforts are reasonable and consistent
28 with those of other school districts. By denying the writ petition, the Court has, in effect,

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1 substituted its judgment as to whether the District is “doing the best it can” for the judgment of
2 expert agencies. This is a critical error of law and a violation of separation of powers. (See *In re*
3 *Cabrera* (2012) 55 Cal.4th 683, 688.) The Court should enforce the legislative scheme and
4 support the authority of the expert agencies to supervise school districts by ordering WCCUSD to
5 comply with the law.

6 Based on these declarations and the arguments below responding to contentions made by
7 the District—some for the first time at the hearing or the night before—Petitioners respectfully
8 request the Court grant Petitioners’ writ prohibiting the District from assigning uncertified
9 individuals to certificated positions; directing the District to fill vacancies with only year-long
10 properly certificated teachers; and, if the District believes such is impossible, ordering it to follow
11 the statutory processes for seeking waivers from the proper state agencies.

12 In addition, Petitioners renew their request for an order directing the District to follow
13 required *Williams* procedures to respond to and remedy valid complaints within 45 and 30
14 working days, respectively. Though Respondents’ counsel asserted at the hearing that the
15 District’s failure to respond to the 45 Stege facility complaints after 15 months was a one-off
16 “aberration” (“Provenza Decl.”), Ex. A (Oct. 11, 2024 R.T. at p. 38), that too has since been
17 proven a misstatement. Highland Elementary School complaints, pending at the time of the
18 October 11th hearing, have gone unanswered and unaddressed despite the lapse of 45 working
19 days since their filing. (“Provenza Decl.” ¶¶ 5-7)

20 **II. LEGAL & FACTUAL BACKGROUND**

21 **A. The Vacancies At Issue**

22 The details of this matter are laid out in Petitioners’ writ petition and motion for issuance
23 of writ. Petitioners provide only a brief summary here. On January 31, 2024, Petitioners filed
24 three *Williams* complaints with WCCUSD regarding a total of 12 vacancies at Stege, Helms, and
25 Kennedy. The District acknowledged the existence of these vacancies and conceded that it was
26 unlawfully covering each vacancy with substitutes working beyond their authorized 30-day limit
27 or teachers covering on a day-to-day basis. (Petn. Ex. 8 at p. 3 [“The District acknowledges it is
28 out of compliance[.]”].) Between the time the complaints were filed in January and the end of the

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1 school year, the District made no attempt to fill any of the vacancies lawfully.

2 On July 19, 2024, Petitioners filed a petition for a writ of mandate to address the District’s
3 refusal to act to fill the 12 vacancies lawfully and its illegal reliance on substitutes. Finally
4 spurred to action, the District then addressed nine of the vacancies, although three of the vacancies
5 were “resolved” by the District cancelling those classes. As to the other six, the District assigned
6 lawful, minimally certificated personnel using methods Petitioners had suggested upon filing the
7 complaints, but which the District had previously neglected to pursue. At the time the District
8 filed its opposition, three vacancies still remained, two at Helms and one at Kennedy. The District
9 conceded that two additional vacancies had then arisen at Helms and another at Kennedy.
10 Currently, Helms has four total vacancies in Science, English, and Math, and Stege has one
11 vacancy in 5th grade. (Mitchell Decl. Ex. C (UTR - 24-25 HR Certificated Vacancy Report).)

12 **B. The Vacancies Clearly Violate State Law**

13 There is no dispute that the District is violating state certification law with its use of
14 uncertificated personnel—substitutes who have stayed beyond their 30- (or 60-day)
15 authorization—in the (now) four vacancies at Helms. (See Cal. Code Regs., Tit. 5, §§ 80025;
16 80025.1(a)(4).) California Education Code Section 44830(a) mandates that “[t]he governing
17 board of a school district shall employ for positions requiring certification qualifications, only
18 persons who possess the qualifications for those positions prescribed by law....” To be
19 “certificated” (or synonymously, “certified”) means to hold the appropriate State-authorized
20 certificate, demonstrating one has the minimal qualifications to teach the specific subject matter(s)
21 and students—e.g., a full California teaching credential, an intern credential, a one-year short-term
22 teaching permit, or a one-year waiver. (See Ed. Code § 44830; Sandy Decl. ¶ 6; see also Provenza
23 Decl. Ex. C (glossary of certification terms).)

24 There is also no dispute that the District is violating the statutory scheme enacted as a
25 result of the *Williams* settlement, which requires that all classrooms be staffed by a single-
26 designated, at least minimally-certificated, teacher for the entire year. (Ed. Code § 35186(h)(3).)
27 The Legislature considered that provision so fundamental to the State’s public education that it
28 mandated that a district “shall remedy a valid complaint” about a teacher vacancy or

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1 misassignment within 30 working days of the complaint. (Ed. Code § 35186(b).) So important is
2 the *immediate* substantive remedy—unusual for administrative complaints or requests¹—that
3 section 35186 prioritizes the remedial action well in advance of even the 45 working-day response
4 to the complainant under *Williams*. (*Ibid.*) Moreover, when auditors are able to discern that a
5 District has staffed a class with an uncertified teacher, state law subjects districts to a loss of state
6 funds for every day the uncertified individual is rendering services as a teacher. (See Ed. Code
7 § 60150.) These provisions only further support the notion that the *Williams* mandate means what
8 it says: Filling vacancies with uncertified individuals is categorically prohibited and must be
9 immediately remedied. Excuses, hand-wringing, inaction and even good-faith but unavailing
10 efforts have no place in the State’s equation. To staff a classroom with an uncertified individual
11 does not constitute what the State considers an educational activity worthy of public fiscal support.
12 The District’s mandatory duty is to immediately provide a legally certified teacher.²

13 There is ample reason for the Legislature to demand that the District staff each classroom

14 _____
15 ¹ See, e.g., Cal. Code. Regs. Tit. 5, §§ 4630–4631. For a typical Uniform Complaint Procedure
16 (UCP) complaint (the state’s general education complaint process in which *Williams* complaints
17 are embedded), there is no automatic right to a “remedy” within 30 days—unlike *Williams*
18 complaints which require a 30-day remedy. For example, districts must investigate complaints of
19 unlawful discrimination, harassment, intimidation or bullying, within 60 days of receiving the
20 complaint, with the ability to extend the investigation with written agreement of the complainant.
(Cal. Code. Regs., Tit. 5, §4631(a).) The district is required to send a written investigation report
21 to the complainant within 60 days from receiving the complaint. (Cal. Code. Regs. Tit. 5,
22 §4631(e)). If there is merit in the complaint, the district must take corrective actions. (Cal. Code.
23 Regs., Tit. 5, §4631(e)(3).)

24 ² Various state laws determine the precise formula for allocating state educational funds and
25 ensuring that districts expend those funds legally. (See, e.g., Ed. Code § 42238.05.) California
26 allocates its funds based on a district’s “average daily attendance” in which the computation is
27 based on “the attendance of pupils while engaged in educational activities required of those pupils
28 and *under the immediate supervision and control of an employee of the district. . . who possessed
a valid certification document, registered as required by law.*” (Ed. Code § 46300(a) [italics
added].) The State’s Guide to the annual auditing of school districts specifically directs auditors
to find unlawful exceptions and calculate a fiscal penalty when they identify uncertified
individuals assigned to teaching positions. (Provenza Decl. Ex. D (State Audit Guide) at p. 8.)
The California Education Code details precisely how the fiscal penalty for uncertified persons is to
be calculated (Ed. Code § 45037(a)–(b)), and further instructs that county offices of education,
which issue the warrants for district employee salaries, shall also be fiscally penalized where they
pay out salaries to such uncertified district personnel whom the county knew or could have known
was uncertified. (*Id.* § 45037(c).)

1 with a trained certified teacher, rather than substitutes. As CTC Executive Director, Dr. Sandy,
2 explains, “substitutes are required to possess only a baccalaureate degree” and it need not be a
3 degree in the actual subject they are teaching. (Sandy Decl. ¶ 7 [citing Education Code sections
4 44252 and 44300].) They are also not “required to have had any training in pedagogy in a teacher
5 preparation program.” (*Ibid.*) Substitutes also lack training “in how to address the specialized
6 needs of the students found in most California public school classrooms, particularly special
7 education students and English Learners.” (*Ibid.*; see also Ed. Code §§ 44253.1-44253.6; Cal.
8 Code of Regs., Tit. 5, §§ 80015-80016; 20 U.S. Code § 1703; see also *Lau v. Nichols*, (1974) 414
9 U.S. 563, 566.) Because substitutes generally lack any training in education, they are authorized
10 to teach in any one classroom *only* for 30 or 60 days. (See Cal. Code Regs., Tit. 5, §§ 80025;
11 80025.1(a)(4).) Respondents acknowledge they are in violation of the *Williams* mandate and state
12 credentialing laws.

13 **C. The Writ Was Denied Based on The District’s Claims of Hardship.**

14 Despite the District’s undisputed violations of state law, the Court denied the writ and
15 declined to order the District to follow its mandatory duties. On the eve of the hearing,
16 Respondent filed a supplemental declaration stating that the remaining Helms substitutes are not
17 eligible for typical CTC variable-term waivers. (Supp. Alberts Decl. ¶ 8.) During the hearing,
18 Respondents again claimed that there is no CTC waiver option available to the District with
19 respect to these vacancies. (Provenza Decl. Ex. A at p. 19:2–9). Further, in response to
20 Petitioners’ recommendation that the District involuntarily transfer fully-credentialed teachers
21 from other assignments, the District argued at the hearing that it is limited from doing so by the
22 MOU with UTR. (*Id.* at p. 19:10–19). Relying on the District’s assertions that it was doing all it
23 could to fill the vacancies, the Court stated that it would deny the writ petition. (*Id.* at p. 31:5–24.

24 The Court denied the writ orally on October 11, 2024 and entered a corresponding minute
25 order. The Court has not yet entered judgment in the case.

26 **III. LEGAL STANDARD**

27 “[A] verdict may be vacated and any other decision may be modified or vacated, in whole
28 or in part, and a new or further trial granted on all or part of the issues” when, as pertinent here,

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1 there is material evidence, which “could not, with reasonable diligence, have [been] discovered
2 and produced at the trial”; the decision is “against law;” or an “error in law” exists. (Code Civ.
3 Proc. § 657(4); 647(6); 657(7); see, e.g., *McCarty v. State of California Dept. of Transp.* (2008)
4 164 Cal.App.4th 955; *Collins v. Sutter Mem’l Hosp.* (2011) 196 Cal.App.4th 1, 17.) “[T]he
5 hearing and determination of the motion for a new trial shall have precedence over all other
6 matters except criminal cases, probate matters, and cases actually on trial, and it shall be the duty
7 of the court to determine the motion at the earliest possible moment.” (Code Civ. Proc. § 660(b).)

8 **IV. ARGUMENT**

9 The Court denied the writ petition—thereby permitting the District to continue staffing
10 classrooms with illegal, uncertificated personnel contrary to statute—based on the District’s
11 claims that there is nothing more it can do given the ongoing teacher shortage. At the hearing, the
12 District claimed that it has exhausted all available options. But Petitioners have since confirmed,
13 as explained in the accompanying declarations from Dr. Sandy and Dr. Mitchell, that the District
14 has multiple options to comply with the law including involuntarily transferring teachers from
15 administrative positions and—if, and only if, all other options are exhausted—seeking waivers
16 from state agencies.

17 The CTC declaration and the SBE waiver provisions reinforce the fact that it is the
18 purview of these supervisory agencies—not the unilateral decision of a District and not the views
19 of the courts—to determine whether a district deserves a waiver from California’s credentialing
20 statutes. Only a state agency, such as the CTC or the SBE—has the authority to evaluate the
21 merits of a district’s hardship claim. The Court has no authority to grant a waiver from the
22 Education Code’s requirements. The Court’s denial of the writ based on its determination that the
23 District is doing all that it can is contrary to state certification laws and the Legislature’s *Williams*
24 mandate.

25 **A. The Court Erred in Accepting the District’s Assertion That It Can Do Nothing**
26 **More to Address Teacher Vacancies**

27 The Court’s determination—based on inaccurate representations from the District—to
28 deny the writ because the District is doing “the best they can with the limited pool of substitutes

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1 and teacher[s]” (Provenza Decl. Ex. A at p. 30:8–9), relies on the District’s erroneous explanation
2 of the law. Contrary to WCCUSD’s assertions, the law requires the District to remedy teacher
3 vacancies with only year-long certificated teachers—and where the District claims it is unable to
4 meet established legal requirements, that it follow the mandatory state processes for lawfully
5 seeking any such state-approved waiver before the proper state agencies—regardless of its self-
6 proclaimed hardship determination. (Sandy Decl. ¶¶ 10-11; Ed. Code §§ 35186(h)(3); 44830(a).)
7 Petitioners recommended numerous lawful ways for the District to fill each vacancy at issue in
8 their writ petition and motion for writ. (Petn. ¶¶ 41–46; Mot. at p. 20.)

9 In response, the District acknowledged it is in violation of the law but incorrectly asserted
10 to the Court that it has exhausted all lawful ways to fill each vacancy. Specifically, the District
11 asserted that: (a) the MOU with the teachers’ union prevents the District from transferring fully-
12 certified teachers; and (b) after all briefing was submitted, through a supplemental declaration, that
13 the law does not permit the District to seek waivers for the current non-certificated substitutes in
14 the classroom, and therefore it is impossible for the District to comply with the law. (Supp.
15 Alberts Decl. ¶) The District also emphasized these arguments at the hearing. But both assertions
16 are demonstrably erroneous, as shown by the declarations from the UTR Executive Director and
17 CTC Executive Director.

18 **1. The District Inaccurately Stated That It Could Not Fill Teacher**
19 **Vacancies Through Involuntary Transfers**

20 The Court relied on the District’s assertion that the MOU with UTR precludes the use of
21 involuntary transfers to fill vacancies except in the case of school closures or staff reductions at a
22 school due to declining enrollment. The Court accepted counsel’s misleading representation of the
23 MOU. (“The school district is not free to just say, ‘Hey, you with your math and science
24 background, you're going to go teach at Helms.’ They don't have the right to do that.”) (Provenza
25 Decl. Ex. A at p. 31:5-12.)

26 The District’s statements to the Court were wrong. Mark Mitchell, Executive Director of
27 UTR, explains in his declaration that the MOU does not preclude the use of involuntary transfers.
28 To the contrary, it remains within a district superintendent’s general authority to direct involuntary

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1 transfers “in the best interest of the school district.” (Ed. Code § 35035(e).) Indeed, despite the
2 District’s suggestions to the contrary, Petitioners have recently learned that the District plans to
3 involuntarily transfer 39 teachers this coming month from out-of-classroom assignments (e.g.,
4 literacy coach) specifically to fill vacancies. Mr. Mitchell confirms that last school year the
5 District transferred, involuntarily, approximately 30 teachers to fill vacancies at other schools.
6 (Mitchell Decl. ¶ 6.) And between August 2024 and November 2024—while this case was being
7 briefed and argued—the District involuntarily transferred approximately 20 teachers to fill
8 vacancies. (*Id.*) The District can and regularly does involuntarily transfer teachers in instances
9 not involving school closures or staffing reductions.

10 The Court relied on the District’s assertion that fully credentialed teachers cannot be
11 reassigned from District office positions or other non-essential out-of-classroom assignments.
12 (See Provenza Decl. Ex. A at p. 31:5-12.) But that is precisely what the California Legislature and
13 the law compel here. Other than a superintendent, there is no mandatory district office position.
14 Though many important supplemental functions may be served by certificated teachers serving in
15 a non-teaching position, the Legislature has *mandated* that, first and foremost, classroom
16 instructional positions be filled by certificated staff for the entire school year before discretionary
17 district office positions. (Ed. Code §§ 35186(h)(3); 44830(a).) As such, the law compels the
18 District to utilize voluntary *and involuntary* transfers to fill vacancies before it can pursue lesser
19 qualified teachers or waivers. (Ed. Code § 44225.7.) The District failed to do so in violation of
20 state certification laws and its mandatory duties under *Williams*. The Court’s conclusion that the
21 District is barred from doing so by the MOU with the union is erroneous.

22 **2. The District Can Seek Waivers From the CTC to Satisfy State**
23 **Credentialing Provisions and *Williams* Requirements**

24 The Court also relied on the District’s assertion—made for the first time the night before
25 the hearing and at the hearing—that variable-term waivers issued by the CTC are inapplicable to
26 the vacancies at issue here. (Alberts Decl.; Provenza Decl. Ex. A at p. 19:5-9.) The District
27 claimed that such waivers are limited only to the certain standard practices described in the CTC
28 waiver handbook. (*Id.*) This is a misstatement of law. As explained by the Executive Director of

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1 the CTC, Dr. Sandy, under Education Code section 44225(m), the CTC has “broad waiver
2 authority” to waive certification provisions of the Education Code, including by providing
3 exemptions from credential requirements for districts or regions “with a severely limited ability to
4 develop personnel” or, even more generally, “temporary exemptions when deemed appropriate by
5 the commission.” (Sandy Decl. ¶ 11; Ed. Code § 44225(m); *id.* (m)(1)(D), (E).)

6 If WCCUSD is facing hardship filling vacancies with year-long certificated teachers, the
7 statutory remedy for WCCUSD is not to ignore the Legislature’s credentialing mandates but to
8 present that hardship to CTC and seek a waiver. WCCUSD claims that it has not sought a CTC
9 waiver for the Helms vacancies because the individuals assigned to those classrooms do not meet
10 the requirements for a standard variable-term waiver because “one substitute teacher does not have
11 the required amount of college credits, one substitute teacher has yet to enroll in a credential
12 program, and the remaining substitute teacher will not agree to enroll in a credentialed program.”
13 (Supp. Alberts Decl. ¶ 8; Provenza Decl. Ex. A at p. 20:7–17.) But Dr. Sandy’s declaration
14 confirms that the Commission has broad discretion to issue a waiver even if all of the conditions
15 for a standard “variable-term waiver” are not met. (Sandy Decl. ¶¶ 11, 13; *Waiver Requests*
16 *Guidebook for Employers* (rev. ed. 2024) Commission on Teacher Credentialing Ensuring Teacher
17 Quality <[https://www.ctc.ca.gov/docs/default-
18 source/credentials/manualshandbooks/waiverhandbook.pdf?sfvrsn=0](https://www.ctc.ca.gov/docs/default-source/credentials/manualshandbooks/waiverhandbook.pdf?sfvrsn=0)> [as of Dec. 20, 2024] at p.
19 3 [variable-term waivers include, *inter alia*, “other temporary conditions approved at the discretion
20 of the Commission.”].)

21 WCCUSD admits it has not sought waivers for the vacancies at issue at Helms despite its
22 legal obligation to provide year-long certificated teachers and despite the waiver process provided
23 by the Legislature. If WCCUSD believes it cannot meet its legal obligations, it must—after
24 exhausting all other options—seek a waiver from the CTC. WCCUSD thus has not done
25 everything it can, and the Court erred in holding otherwise.

26 **3. The District Can Seek Waivers From the State Board of Education to**
27 **the State’s *Williams* Mandate**

28 Separately, the District can also apply for a waiver of the *Williams* vacancy remedy before

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1 the SBE. Whereas the CTC has sole authority to waive state certification requirements (Ed. Code
2 § 44225(m)(2)), the SBE has the “general authority to waive most provisions of the education
3 code and Title 5 regulations,” and there is no statutory exclusion of the *Williams* vacancy remedy
4 mandated in section 35186 from that broad reach. (Ed. Code §§ 33050-33053.)

5 The District failed to seek such a waiver. As such, the Court further erred in relying on the
6 District’s claim that it is “doing everything [it] can” to comply with *Williams*. (Provenza Decl.
7 Ex. A at p. 21:7.)

8 **B. Expert State Agencies, Not the Courts, Are Empowered to Test WCCUSD’S**
9 **Claims of Hardship and Grant Waivers**

10 Dr. Sandy’s declaration also explains that these expert agencies—not the courts—are the
11 proper bodies to evaluate the District’s hardship assertion. By denying the writ petition and
12 making the determination that the District is doing “everything they can . . . to get a qualified year-
13 long assignment” (Provenza Decl. Ex. A at p. 21:7–8) to fill the vacancies at issue—before expert
14 agencies have even weighed in on the question—the Court improperly intruded upon the expertise
15 and responsibilities of these state agencies. It is black-letter law that courts “extend appropriate
16 deference to [] administrative agencies . . . and their technical expertise.” (*Communities for a*
17 *Better Env’t, supra*, 109 Cal.App.4th at pp. 1103–1104.) For this reason, courts are generally
18 required to “defer to an administrative agency’s interpretation of a statute or regulation involving
19 its area of expertise.” (*Ibid.*) Indeed, “the substitution of the judgment of a court for that of the
20 administrator in quasi-legislative matters would effectuate neither the legislative mandate nor
21 sound social policy.” (*In re Cabrera, supra*, 55 Cal.4th at p. 688.)

22 Here, the Court’s ruling inappropriately usurps the expert agencies’ authority to decide in
23 the first instance whether WCCUSD should be relieved from the state’s certification laws and the
24 mandatory *Williams* vacancy remedy because of district hardships. If the District has specific
25 hardships that deserve consideration and may warrant exemptions from mandatory state
26 requirements imposed on local districts, the appropriate state officials—not districts on their own
27 and, at least not in the first instance, courts—must evaluate and respond to such claims.

28 The Legislature’s mandate in section 35186 establishing a bright line duty to provide a

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1 minimally-certified year-long teacher created no room for good faith exceptions for districts that
2 are “trying hard” and no mechanism for courts to excuse compliance. Indeed, as Dr. Sandy
3 explains: “It would create chaos for the quality of our public-school teacher workforce if districts
4 were to unilaterally decide when they could relieve themselves of the general requirement to
5 assign only certified individuals to certificated positions long-term,” as WCCUSD has
6 acknowledged it is doing here by assigning 30-day substitutes to teach a single classroom for the
7 entire year. (Sandy Decl. ¶ 9.)

8 The Legislature has established a system for districts to seek relief from a state certification
9 requirement by seeking a waiver from the CTC or SBE. The law is summarized by Dr. Sandy:

10 When districts unilaterally assign uncertified individuals to certificated classroom
11 positions as teacher of record, they do so *in violation of mandatory state*
12 *certification laws established to ensure minimum teacher quality standards* for the
13 state’s students. (Education Code section 44001). When districts conclude they are
14 not able to identify suitably qualified teachers that would satisfy established state
15 certification requirements, *they have no authority to unilaterally ignore those*
16 *certification requirements*. Instead, they must seek local assignment options, have
their local board approve a Limited Assignment Permit for a fully credentialed
teacher, or apply for a waiver from the Commission. When a district, such as
WCCUSD in this instance, refuses to test its hardship conclusions before the
Commission by seeking a waiver through the required processes, the Commission’s
authority and expertise in upholding minimum teacher quality standards are evaded
and usurped.

17 (Sandy Decl. ¶ 15 [italics added].)

18 Similarly, it is the role of the SBE to determine whether the District is unable to comply
19 with its mandatory duties under *Williams*. As with the CTC and state certification provisions, it
20 would prove chaotic and undermine state accountability requirements were districts to decide
21 unilaterally when they may be relieved of providing the baseline educational necessities mandated
22 by the *Williams* settlement legislation. Instead, the only means under state laws by which a
23 district could be excused from compliance with its mandatory *Williams* obligations would be
24 through a waiver from the SBE under that agency’s general waiver authority. (Ed. Code §§
25 33050-33053.)

26 Thus, it is unlawful for WCCUSD to excuse itself from remedying the Helms vacancies
27 with year-long, certified teachers due to self-proclaimed hardship. It is the role of the CTC and
28 the SBE to use their expertise to assess the District’s hardship assertions. By denying the writ

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1 petition in reliance on the District’s hardship assertions, the Court improperly provided the District
2 with a *de facto* waiver without any legal authorization. Nothing in the statutory scheme permits
3 the Court to excuse WCCUSD’s failure to comply with state law. Rather, the Legislature has
4 determined that these agencies and their staff have the expertise and responsibility to determine
5 whether a waiver is warranted in the first instance.

6 Ultimately, the CTC and State Board have the resources, the knowledge, and the statutory
7 authority to test the District’s assertions that there are no qualified teachers among its nearly 1500
8 certificated personnel to assign to the Helms vacancies; that no qualified retired staff are available;
9 that no minimally certificated candidates exist in its teacher pipeline; and that it cannot do more to
10 hire and assign qualified teachers. It may be that the agencies agree with the District that nothing
11 more can be done with respect to these vacancies. Or perhaps the agencies will point out that
12 WCCUSD has proportionally fewer fully-credentialed teachers than neighboring districts like
13 Pittsburg and Antioch Unified with similarly large populations of low-income students, and
14 suggest or mandate other solutions to the District.

15 The critical point is that the legislative scheme leaves this analysis and determination to
16 expert state agencies—not to the courts. By denying Petitioners’ writ, the Court has allowed
17 WCCUSD to escape the proper oversight for its failure to comply with the law and substituted its
18 judgment for that of the expert agencies.

19 C. **WCCUSD Continues to Ignore Mandatory *Williams* Complaint Procedures**
20 **and Timelines and Should Be Ordered to Do So**

21 The District’s misstatements regarding waivers and its inability to direct involuntary
22 transfers are not its only misstatements to the Court. At the hearing the District claimed that its
23 failure to respond to the 45 facilities complaints at Stege Elementary was an aberration. (Provenza
24 Decl. Ex. A at p. 38:17-23.) But the District’s conduct at Stege is not unique. New facts
25 demonstrate that WCCUSD continues to dodge its duties under *Williams*. Petitioners recently
26 learned that the District failed to provide a response to September 2024 facilities complaints at
27 Highland Elementary School within the statutorily mandated timeframe. (Provenza Decl. ¶¶ 5–7)
28 This occurred despite the District acknowledging receipt of these *Williams* complaints at its

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1 October 23, 2024 board meeting and despite the recency of the District’s October 11th assurances
2 to the Court that no court order is needed to compel it to follow the law. (Provenza Decl ¶6; Ex.
3 B.)

4 **V. CONCLUSION**

5 Petitioners respectfully request that this Court correct its error and grant Petitioners’
6 Motion for New Trial and grant, thereby, Petitioners’ writ prohibiting the District from assigning
7 uncertified individuals to certificated positions; directing the District to fill vacancies with only
8 year-long properly certificated teachers; and, if the District believes such is impossible, ordering it
9 to follow the statutory processes for seeking waivers from the proper state agencies.

10 Petitioners further renew their request for an order directing the District to follow required
11 *Williams* procedures to respond to and remedy valid complaints within 45 and 30 working days,
12 respectively, based on the new facts set forth herein.

14 DATED: December 23, 2024

Respectfully submitted,

15 By: s/ John T. Affeldt
16 John T. Affeldt

17 PUBLIC ADVOCATES INC.
18 John T. Affeldt
19 Karissa A.D. Provenza

20 By: s/ Dane P. Shikman
Dane P. Shikman

21 MUNGER TOLLES & OLSON LLP
22 Rohit K. Singla
23 Dane P. Shikman
24 Kyra E. Schoonover
25 Laura R. Perry

Counsel for Petitioners

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28

EXHIBIT 9

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14 *Counsel for Petitioners*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF CONTRA COSTA**

17 SAM CLEARE, SARAH KINCAID,
18 JEREMIAH ROMM, HILDA CRISTINA
19 HUERTA, AND JETAUN THOMPSON

19 Petitioners,

20 v.

21 WEST CONTRA COSTA UNIFIED SCHOOL
22 DISTRICT, KENNETH CHRIS HURST, WEST
23 CONTRA COSTA UNIFIED SCHOOL
24 DISTRICT BOARD OF EDUCATION,
25 JAMELA SMITH-FOLDS, DEMETRIO
26 GONZALEZ HOY, OTHEREE CHRISTIAN,
27 MISTER PHILLIPS, AND LESLIE RECKLER,

26 Respondents.

Case No. N24-1353

**DECLARATION OF MARK ERWIN
MITCHELL IN SUPPORT OF
PETITIONERS' MOTION FOR A NEW
TRIAL**

Judge: Hon. Terri Mockler
Dept.: 27

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1 **DECLARATION OF MARK ERWIN MITCHELL**

2 I, MARK ERWIN MITCHELL, declare:

3 1. I have personal knowledge of the facts I state below, and if I were to be
4 called as a witness, I could competently testify about what I have written in this declaration.

5 2. I have served as the Executive Director for the United Teachers of
6 Richmond (UTR) since August 2022. In this role, I am the chief executive of local labor union
7 representing more than 1,500 certificated teachers employed in the West Contra Costa Unified
8 School District (WCCUSD).

9 3. My responsibilities include negotiating and administering complex
10 collective bargaining agreements that cover various categories of professional employees, such as
11 teachers, psychologists, nurses, speech and language pathologists.

12 4. In my day-to-day work, I frequently interact with teachers and
13 administrators throughout WCCUSD, including district leaders in the Human Resources
14 department who are responsible for hiring and assigning teachers. For instance, I communicate
15 with Associate Superintendent Camille Johnson when she authorizes teacher reassignments. The
16 teachers who are reassigned often turn to me for assistance in navigating the process.

17 5. Our current contract with WCCUSD, outlined in the Memorandum of
18 Understanding (MOU) between UTR and WCCUSD, specifies the terms for teacher transfers and
19 reassignments. Both voluntary and involuntary transfers are permitted under our union contract.
20 Generally, good district hiring and assignment practices such as those mentioned below, mean that
21 involuntary transfers should occur only due to declining enrollment or school closures. However,
22 WCCUSD is not prohibited by the union contract from involuntarily transferring teachers for
23 various reasons beyond declining enrollment and school closures, and often does.

24 6. For example, last year WCCUSD involuntarily transferred approximately
25 30 teachers to fill vacancies at other schools, and so far, this school year, the district has
26 involuntarily transferred approximately 20 teachers. Just recently, on December 10th, within hours
27 of taking office as the new interim Superintendent, Kim Moses ordered the involuntary transfer of
28 40 fully credentialed teachers to fill vacancies at various school sites in the district beginning on

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1 January 13, 2025 through the end of the school year. Since then we have met and conferred with
2 the District, and Associate Superintendent Camille Johnson made clear that the district has the
3 authority to involuntarily transfer teachers and is using its power under our contract. We are in
4 further conversations with the district to urge them to get the WCCUSD Governing Board's
5 approval before issuing these involuntarily transfers. I attach below a true and correct copy of the
6 email correspondence from the district informing the broader WCCSUD community of these
7 transfers in addition to a list of educators who will be involuntarily transferred. (See Ex. A. and
8 Ex. B.) Column L in the list of involuntary transfers (Ex. B) details the potential placements for
9 the educators to be involuntarily reassigned. There are four educators mentioned as possible
10 assignments for Helms, alongside five other schools they could be placed at. Also attached is an
11 email from Associate Superintendent Camille Johnson sent to teachers on December 19, 2024 as a
12 follow-up to the involuntary reassignment letter the district sent out to each teacher (See Ex. E.)
13 and a letter sent to UTR by Johnson on December 20, 2024 reinforcing the district's right to
14 involuntarily reassign teachers under Education Code section 35035. (See Ex. F.)

15 7. Note, even with these new involuntary transfers, dozens of vacancies will
16 continue to exist throughout the district, including we understand, at Helm Middle School and
17 Stege Elementary School. The District brought back a retired teacher to cover a vacancy in 5th
18 grade at Stege Elementary, but that vacancy has not been lawfully filled for the year as the retired
19 teacher cannot be assigned for the entire school year without jeopardizing her CalSTRS retirement
20 benefits. Also, we understand the district is continuing to acknowledge that it will fill vacancies
21 with substitutes teaching beyond their short-term authorization periods and other means (e.g.,
22 short-term fill-in teachers) that fail to fill these positions with year-long, certificated personnel. I
23 attach below a true and correct copy of the 24-25 HR Certificated Vacancy Report submitted to
24 UTR by the district and a list of current substitute placements. (See Ex. C. and Ex. D.)

25 8. Typically, the district will involuntarily transfer elementary art, music and
26 physical education teachers, teachers on special assignments to fill a vacancy both within their
27 school site or elsewhere in the district. The district seldom transfers fully certificated educators
28 who hold administrative roles, even though there is an abundance of such personnel serving in

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1 district office non-teaching roles available. The fully-certificated educators employed as
2 administrators in non-teaching roles fill positions such as Coordinators of Educational
3 Technology, K-12 Instructional Specialists, and Assistant Principals. While these may be
4 important positions, they are not *essential* front-line positions like teachers instructing students in
5 the classroom – which is, after all, the district’s primary mission. For instance, Stege Elementary
6 School has two fully-certificated educators assigned to support the school in non-teaching, non-
7 essential roles. Helms Middle School has two fully-certificated educators in non-teaching roles
8 who could help cover the remaining vacancies.

9 9. There are various other steps the district could pursue to recruit and retain
10 properly qualified teachers in our highest-need schools, like Stege, Helms, and Kennedy. These
11 include making new hire offers earlier, well before the school-year has begun, offering pay
12 incentives and better working conditions like smaller class sizes and/or greater classroom supports
13 (e.g., classroom aids, school social workers, etc.) at these harder-to-staff schools to incentivize
14 teachers to work there. Instead, the district continues to perpetuate a cycle of teacher attrition,
15 largely due to an overreliance on substitute teachers, fostering an unsupportive and unhealthy
16 school environments for both teachers and students in WCCUSD.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: December 21, 2024


Mark Erwin Mitchell

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EXHIBIT A

----- Forwarded message -----

From: **West Contra Costa Unified School District via ParentSquare** <donotreply+509e8707-ae2b-5743-ac84-d4cf2cb44bf0@parentsquare.com>

Date: Wed, Dec 11, 2024 at 6:21 PM

Subject: Dec 11, 2024 Digest: 1 new message from West Contra Costa Unified School District today

To: [REDACTED]



West Contra Costa Unified School District

Daily digest created for Samantha Cleare

- **Staffing Reassignments: Our Commitment to Students and Ongoing Support**
West Contra Costa Unified School District posted in West Contra Costa Unified School District

Staffing Reassignments: Our Commitment to Students and Ongoing Support

Posted by West Contra Costa Unified School District on Wednesday, Dec 11 at 5:00 PM in West Contra Costa Unified School District

Dear WCCUSD Community,

California is experiencing a teacher staffing shortage. Many districts across the state struggle to find a solution to address this nationwide teacher shortage. In WCCUSD, we have approximately eighty teacher vacancies across all schools. These classrooms do not have a credentialed teacher assigned to instruct our students. Instead, we rely on temporary substitutes to staff these classrooms. We are committed to making the shifts necessary to ensure that we have exhausted all efforts to address the educational needs of all students.

Rather than continue to have these classrooms temporarily staffed, we have decided to immediately reassign highly qualified and credentialed teachers, who are currently not assigned to classrooms, back to schools where vacancies exist. We are confident that this decision will provide more effective learning environments for our students during this difficult staffing period.

Sincerely,

Dr. Kim Moses
Interim Superintendent
West Contra Costa Unified School District

[View in ParentSquare](#)

EXHIBIT B

	Last Name	First Name	MI	Location Description	Job Class Description
1				SYLVESTER GREENWOOD ACADEMY	INST SUPPORT READING ELD COACH
2				STEWART ELEMENTARY	TEACHER ELEMENTARY PREP
3				FORD ELEMENTARY	TEACHER ELEMENTARY PREP
4				MONTALVIN ELEMENTARY	TEACHER ELEMENTARY PREP
5				KING ELEMENTARY	PROJECT / PROGRAM ASSISTANT
6				ED SERVICES ASSOCIATE SUPERINT	INST SUPPORT READING ELD COACH
7				NYSTROM ELEMENTARY	PROJECT / PROGRAM ASSISTANT
8				STATE AND FEDERAL	INST SUPPORT READING ELD COACH
9				HIGHLAND ELEMENTARY	TEACHER ELEMENTARY PREP
10				GRANT	INST SUPPORT READING ELD COACH
11				DOVER ELEMENTARY	TEACHER ELEMENTARY PREP
12				SHELDON ELEMENTARY	TEACHER ELEMENTARY PREP
13				STEWART ELEMENTARY	TEACHER ELEMENTARY PREP
14				GRANT ELEMENTARY	TEACHER ELEMENTARY PREP
15				RICHMOND HIGH SCHOOL	INST SUPPORT READING ELD COACH
16				LINCOLN ELEMENTARY	PROJECT / PROGRAM ASSISTANT
17				RICHMOND HIGH SCHOOL	PROJECT / PROGRAM ASSISTANT
18				CURRICULUM INSTRUCTION CENTRAL	INST SUPPORT READING ELD COACH
19				PERES ELEMENTARY	INST SUPPORT READING ELD COACH
20				CHAVEZ ELEMENTARY	TEACHER ELEMENTARY PREP
21				COLLEGE & CAREER	INST SUPPORT READING ELD COACH
22				ELD	INST SUPPORT READING ELD COACH
23				ED SERVICES ASSOCIATE SUPERINT	INST SUPPORT READING ELD COACH
24				LEARNING SUPPORT SERVICES	INST SUPPORT READING ELD COACH
25				ED SERVICES ASSOCIATE SUPERINT	INST SUPPORT READING ELD COACH
26				DOVER ELEMENTARY	INST SUPPORT READING ELD COACH
27				STATE AND FEDERAL	PROJECT / PROGRAM ASSISTANT
28				KING ELEMENTARY	TEACHER ELEMENTARY PREP
29				WEST COUNTY MANDARIN	TEACHER ELEMENTARY PREP
30				VERDE ELEMENTARY	TEACHER ELEMENTARY PREP
31				GRANT ELEMENTARY	TEACHER ELEMENTARY PREP
32				MADERA ELEMENTARY	TEACHER ELEMENTARY PREP
33				PERES ELEMENTARY	INST SUPPORT READING ELD COACH
34				CURRICULUM INSTRUCTION CENTRAL	PROJECT / PROGRAM ASSISTANT

35			LINCOLN ELEMENTARY	TEACHER ELEMENTARY PREP
36			HANNA RANCH ELEMENTARY	TEACHER ELEMENTARY PREP
37			KENSINGTON ELEMENTARY	TEACHER ELEMENTARY PREP
38			PINOLE HIGH SCHOOL	PROJECT / PROGRAM ASSISTANT
39			EL CERRITO HIGH	PROJECT / PROGRAM ASSISTANT
40			HELMS	INST SUPPORT READING ELD COACH

Hire Date	Service Date	Permanent Date	Credentials
9/11/2024	9/11/2024	9/11/2024	CL SS: English w ELA1
08/14/2024	08/14/2024	08/14/2024	STSP - SS PE
10/01/2023	10/01/2023	10/01/2023	CL Mult Subj; ELAS
08/11/2022	08/11/2022	08/11/2022	Prel SS: PE w/ELAS
08/08/2022	08/08/2022	08/08/2022	CL Mult Subj; CL SS: Soc Sci; CL CLAD
08/11/2021	08/11/2021	08/11/2021	CL MS w. BASP
08/09/2021	08/09/2021	08/09/2021	CL Mult Subj w/ELA1; Literature Authorization
08/14/2019	08/14/2019	08/14/2019	CL SS: Biology w/ELA1
08/14/2019	08/14/2019	08/14/2019	CI SS: Home Eco, PE, Intro Health Sci; CL CLAD
08/15/2018	10/11/2016	08/15/2018	CL MS, ED Sp w. ELAM
02/01/2018	02/01/2018	02/01/2018	CL MS w. ELA1
08/18/2016	08/18/2016	08/18/2016	CL MS w. ELA
08/18/2016	08/18/2016	08/18/2016	CL SS: PE w. ELA1
11/01/2021	08/20/2015	08/20/2015	CL SS: PE w. ELAS, Clear MS w. ELAM
08/14/2014	08/14/2014	08/14/2014	CL SS: English, Social Science w. ELA1
08/16/2013	08/16/2013	08/16/2013	CL MS w. ELA1
08/18/2005	08/18/2005	08/18/2005	CL SS: Foundational Level Math, Economics, Intro to Latin w/ELA1
01/24/2005	01/24/2005	01/24/2005	CL SS: Math; CL CLAD Certificate
11/08/2004	11/08/2004	11/08/2004	CI Mult Subj w/ELA1
08/19/2004	08/19/2004	08/19/2004	CL Mult Subj; Supp: Photography, CL CLAD
08/19/2004	08/19/2004	08/19/2004	CL MS w. ELA1
08/19/2004	08/19/2004	08/19/2004	CL MS w. ELA1
08/22/2002	08/22/2002	08/22/2002	CL MS
08/24/2000	08/24/2000	08/24/2000	CL Mult Subj w/ELA1; CL Specialist Instruction in Special Ed Preschool
12/10/1998	12/10/1998	12/10/1998	CL SS: Mathematics; Intro Eng; ELA1
08/26/1998	08/26/1998	08/26/1998	CL MS w. ELA1
08/26/1997	08/26/1997	08/26/1997	CL MS w. ELA1
10/07/2002	03/03/1997	03/03/1997	CL Mult Subj; CL CLAD
9/17/2024	9/17/2024	9/17/2024	Prel SS: Art; EM CLAD; GELAP SS: Foundational Level Science
08/14/2024	08/14/2024	08/14/2024	CL Mult Subj; ELA1
08/11/2022	08/11/2022	08/11/2022	Prel Mult Subj w/ELAM
08/12/2020	08/12/2020	08/12/2020	CI SS: Art; CL CLAD
08/14/2014	08/14/2014	08/14/2014	CL Mult Subj w/ELA1; Reading/Literacy Authorization
08/19/2013	08/19/2013	08/19/2013	CL MS w. ELA1

09/14/2007	09/14/2007	09/14/2007	CL Admin, SS: Social Science w. BCLAD
08/23/2007	08/23/2007	08/23/2007	CL Mult Subj w/ELA1
08/21/2003	08/21/2003	08/21/2003	CL Mult Subj, Supp: Computer Electronics w/BCLAD: Spanish
11/19/2001	11/19/2001	11/19/2001	CL SS: Spanish wELA1
08/26/1997	08/26/1997	08/26/1997	CL PPS, CL SS: Social Science
08/08/2024	08/23/2011		CL SS: Foundation Math w. ELA1

FTE/Funding Source	Placements
1.2=.2 WASC/1 Coach	Potential HMS, PVHS (.2)
0.6 Stewart/0.4 Helms	DA, DeJean (DA highly suggested)
.5/.4/.1VAPA=1	
0.6 Prop 28/0.4 Prep=1	De Jean
1.0 General Funds Coach= 1	
1.0 General FundsCoach=1	District looking into grant implications
1.00 General Funds=1	Nystrom has a 6th grade vacancy
1.00 General Fund (coach)=1	No Bio vacancies. Helms has a science vacancy.
.4 Prep Ellerhorst/.6 Prep Highland =1	1/0 PE at Soskin
1.0 General Funds (Coach) =1	K vacancy at Grant
.6 Prep Dover/ .4 Prep Valley View =1	
.6 Prep Olinda/.3 Prep & .1 Prop 28 Sheldon=1	
1.0 General Funds DeJean Bucket Teacher	Most senior, no additional PE openings
1.00 General Funds Grant Teacher Regular	
1.0 Coach ELA =1	
1.0 General Funds Coach =1	Preschool and 5th grade (1year)
LCAP= 1.2	De Jean, Helms, HMS, Korematsu, PVHS, RHS (Algebra 1)
A-G grant= 1.0	De Jean, Helms, HMS, Korematsu, PVHS, RHS (Algebra 1)
0.5 Lit Coach /0.5 Scully =1.0	5th grade at Peres
0.4 VAPA/0.6 Prep	Upper grade options at other sites.
Title III= 1.0	Potential for Coronado
Title III= 1.0	Funded throught title III
Title 1 = 1.0	<i>Was at Lake-give list of options</i>
LCAP =1.0	De Jean, Helms, HMS, Korematsu, PVHS, RHS (Algebra 1)
0.6 CSI /0.4 Title 1 =1.0	5/6 Dover
.8 title I / .2 from LCAP= 1.0	
0.6 Prep King/ 0.4 Prep Lake = 1.0	5th grade opening at King
0.6 VAPA/0.4 Prep	
0.4 Intervention/0.3 Prep	
General funds= 1	Grant - Assignment Started 11/18
0.3 VAPA/0.5 Prep	
LCAP= 1.0	Vice Principal
1.0 General Funds =1	Stay in role per terms of grant

0.4 Prep/0.6 Coach	No social science vacancy
LCAP= 1.0	
0.5 Prep Harding/0.3 Kensington =0.8	
LCAP = 1.0	
LCAP 1.0	
0.6 Coach	

Mediacal rationale
Less than full FTE
IB Coordinator-Still needs to finish the work with the grant
Less than full FTE.

EXHIBIT C

Site/Dept	Position	FTE	Notes
Elementary			
Bayview	1st Grade	1	Ailenette Araco Processing
Bayview	2nd Grade	1	
Bayview	5th/6th Combination	1	
Collins	4th/5th Combination	1	
Chavez	Transitional Kindergarten (1 Year)	1	
Coronado	TK	1	
Coronado	Kindergraten	1	
Coronado	3rd Grade	1	
Coronado	1st Grade	1	
Coronado	6th Grade	1	
Fairmont	Kindergraten	1	
Fairmont	5th and 6th Grade Combo	1	
Fairmont	5th grade	1	
Ford	Preschool	1	
Grant	Kindergarten	1	
Lake	2nd/3rd Combination (SEI)	1	
Lincoln	Preschool	1	
Lincoln	5th 1 year	1	
Mira Vista	Transitional Kindergarten	1	
Mira Vista	4th Grade	1	
Mira Vista	4th Grade	1	
Mira Vista	Counselor (0.2 FTE)	0.2	
Montalvin K8	7th Grade	1	
Montalvin K8	Counselor (0.3 FTE)	0.3	
Murphy	6th Grade	1	
Ohlone Elementary	4th/5th Combination	1	
Ohlone Elementary	4th Grade	1	
Peres K8	5th Grade	1	
Peres K9	Counselor	0.3	
Stege	5th Grade 1year	1	
Verde	6th Grade	1	

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Tara Hills	4th Grade	1	
Washington	3rd Grade (DLI)	1	
		30.8	

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Site/Dept	Position	FTE
Secondary		
Soskin Middle	Math	1
Soskin Middle	Physical Education	1
DeJean Middle	PE	1
DeJean Middle	Math	1
DeJean Middle	Math/Science	0.8
Helms Middle	Science	1
Helms Middle	English	0.8
Helms Middle	Math	1
Helms Middle	Math	1
Hercules Middle	Math	1
Hercules Middle	Math	0.4
Hercules Middle	English	1
Korematsu Middle	Math	1
De Anza High	English	1
De Anza High	PE	1
De Anza High	CTE Law (0.4 FTE) Start Date: 11/4/24	0.4
De Anza High	Spanish (0.4 FTE) Start Date: 11/4/24	0.4
De Anza High	Dance (0.4 FTE) Start Date: 11/4/24	0.4
De Anza High	Math (0.4 FTE) Start Date: 11/4/24	0.4
De Anza High	English (0.4 FTE) Start Date: 11/4/24	0.4
De Anza High	History (0.6 FTE) Start Date: 11/4/24	0.6
El Cerrito High	Counselor (0.7 FTE) start date:10/7/2024	0.7
El Cerrito High	English (0.2 FTE) start date: 01/06/2025	0.2
Hercules High	Math	1
Kennedy High	APP	1
Pinole Valley High	English	1
Pinole Valley High	Math	1
Pinole Valley High	English	0.2
Pinole Valley High	Math	0.6
Richmond High	Algebra 1	1
Richmond High	Algebra 1 (1 year only)	1
Richmond High	Band	0.8

Sylvester Greenwood Academy	Math	0.9
Sylvester Greenwood Academy	PE	1
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Site/Dept	Position	FTE
SPED		
SPED	Adaptive Physical Education	1
SPED Itinerant	DHH	1
Itinerant	RSP	1
Cameron	Program Specialist	1
Highland	ESN 4-6	1
Peres	ESN TK-K	1
Tara Hills	Full Inclusion	1
Betty Reid	ISP	2
Hercules Middle School	RSP	1
Hercules High School	RSP	1
Hercules High School	ESN (starting January 2025)	1
Korematsu	MMSN	1
Transition	ESN	1
SPED	Speech & Language Pathologist	6
SPED	School Nurses	2
		22

EXHIBIT D

Elementary		Position	Placements	Remain
Bayview	1st Grade	Sub teacher:	[REDACTED]	No
Bayview	2nd Grade	Sub Teacher:	[REDACTED] (end date ???)	No
Bayview	5th/6th Combination	Sub Teacher:	[REDACTED]	No
Collins	4th/5th Combination	Sub Teacher:	[REDACTED]	Yes
Chavez	Transitional Kindergarten (1 Year)	Sub Teacher:	[REDACTED]	Yes
Coronado	TK	Sub Teacher:	[REDACTED]	No
Coronado	Kindergarten	Sub Teacher:	[REDACTED]	Yes
Coronado	3rd Grade	Sub Teacher:	[REDACTED]	Yes
Coronado	1st Grade	Sub Teacher:	[REDACTED]	No
Coronado	6th Grade	Sub Teacher:	[REDACTED]	Yes
Fairmont	Kindergarten	Sub teacher:	[REDACTED]	Yes
Fairmont	5th and 6th Grade Combo	Sub Teacher:	[REDACTED]	Yes
Fairmont	5th grade	Sub Teacher:	[REDACTED]	Yes
Ford	Preschool	Sub teacher:	[REDACTED]	Yes
Grant	Kindergarten	Sub Teacher:	[REDACTED]	Yes
King	5th Grade	Sub Teacher:	[REDACTED]	Yes
Lake	2nd/3rd Combination (SEI)	Sub Teacher:	[REDACTED]	Yes
Lincoln	Preschool	Sub Teacher:	[REDACTED]	Yes
Lincoln	5th 1 year	Sub Teacher:	[REDACTED]	Yes
Mira Vista	Transitional Kindergarten	Sub Teacher:	[REDACTED]	Yes
Mira Vista	4th Grade	Sub Teacher:	[REDACTED]	Yes
Mira Vista	4th Grade	Sub Teacher:	[REDACTED]	Yes
Nystrom	6th Grade	Sub:	[REDACTED]	Yes
Ohlone Elementary	4th/5th Combination	Sub Teacher:	[REDACTED]	Yes
Ohlone Elementary	4th Grade	Sub Teacher:	[REDACTED]	Yes
Peres K8	5th Grade	Sub Teacher:	[REDACTED]	Yes
Peres K9	Counselor	[REDACTED]	(Retired)	Yes
Stege	5th Grade 1year	Sub Teacher:	[REDACTED] (Retired)	Yes
Stege	Kindergarten	Sub Teacher:	[REDACTED] (START 12/04/24)	Yes
Verde	6th Grade	Sub Teacher:	[REDACTED]	No
Tara Hills	4th Grade	Sub Teacher:	[REDACTED]	Yes
Tara Hills	5th	Sub Teacher:	[REDACTED] (Retiree)	Yes
West County Mandarin	6th /7th DLI	Sub Teacher:	[REDACTED] (start 12/4/24)	Yes

Document received by the CA 1st District Court of Appeal.

Site/Dept	Position	Placements	Remain
Secondary			
Soskin Middle	Math	Sub Teacher: [REDACTED]	Yes
Soskin Middle	Physical Education	Sub Teacher: [REDACTED]	Yes
DeJean Middle	PE	[REDACTED] sub until edTPA passed.	Yes
DeJean Middle	Math	Sub Teacher: [REDACTED]	Yes
DeJean Middle	Math/Science (0.8 FTE)	Sub Teacher: [REDACTED]	Yes
Helms Middle	Science	Sub Teacher: [REDACTED] (END 12/20/24) FIND SUB Start 01/01/25	No
Helms Middle	English	Sub Teacher: [REDACTED]	Yes
Helms Middle	Math	Sub Teacher: [REDACTED]	Yes
Helms Middle	Math	Sub Teacher: [REDACTED]	Yes
Hercules Middle	Math	Sub Teacher: [REDACTED]	Yes
Hercules Middle	Math (0.4 FTE)	Sub Teacher: [REDACTED]	No
Hercules Middle	English	Sub Teacher: [REDACTED]	Yes
Korematsu Middle	Math	Sub Teacher: [REDACTED]	No
De Anza High	PE	Sub Teacher: [REDACTED]	Yes
Kennedy High	APP	Sub Teacher: [REDACTED]	Yes
Pinole Valley High	Math	Sub Teacher: [REDACTED]	Yes
Pinole Valley High	English (0.2 FTE)	FIND SUB	
Pinole Valley High	Math (0.6 FTE)	Sub Teacher: [REDACTED]	Yes
Richmond High	Algebra 1	Sub Teacher: [REDACTED] (needs to pass EDTAP for prelim)	Yes
Richmond High	Algebra 1 (1 year only)	Sub Teacher: [REDACTED]	Yes
Richmond High	Band (0.8 FTE)	Sub Teacher: [REDACTED] (start 10/18/24, MTF)	Yes
Sylvester Greenwood Academy	Math (0.9 FTE)	Sub Teacher: [REDACTED]	Yes

Site/Dept	Position	Placements	Remain
SPED			
Highland	ESN 4-6	Sub Teacher: [REDACTED]	Yes
Peres	ESN TK-K	Sub Teacher: [REDACTED]	Yes
Tara Hills	Full Inclusion	Sub Teacher: [REDACTED]	Yes
Betty Reid	ISP	Sub Teacher: [REDACTED]	Yes
Hercules High School	RSP	Sub Teacher: [REDACTED]	Yes
Hercules High School	ESN (starting January 2025)	Sub Teacher: [REDACTED]	Yes
Transition	ESN	Sub Teacher: [REDACTED] (Retired)	Yes
			Yes
			Yes
			Yes
			Yes
			Yes

Document received by the CA 1st District Court of Appeal.

EXHIBIT E

On Thu, Dec 19, 2024 at 8:29 PM Camille Johnson <camille.johnson@wccusd.net> wrote:

Hello,

As a follow-up to the Reassignment Letter you recently received regarding your teaching assignment for the remainder of the 2024-2025 school year, I would like to provide additional clarity and context. Your reassignment is aligned with the provisions outlined in California Education Code 35035(e), which states the following:

(e) Subject to the approval of the governing board of the school district, assign all employees of the school district employed in positions requiring certification qualifications to the positions in which they are to serve. This power to assign includes the power to transfer a teacher from one school to another school at which the teacher is certificated to serve within the school district when the superintendent concludes that the transfer is in the best interest of the school district.

Thank you once again for your dedication and adaptability during this transition. We recognize your continued commitment to supporting the students in our district.

Sincerely,

[Camille Johnson, Ed.D.](#)

Associate Superintendent, HR



West Contra Costa Unified School District
Human Resources

Phone: (510) 231-1188

Fax: (520) 237- 6411

CONFIDENTIALITY NOTICE TO RECIPIENT(S): This email communication and any attachment(s) may contain information that is confidential and privileged by law and is meant solely for the intended recipient(s). Unauthorized use, review, duplication, disclosure, or interception of this email is strictly prohibited and may violate applicable laws, including the Electronic Communications Privacy Act. If you received this email in error, please notify us immediately of the error by return email, and please delete this message and any attachment(s) from your system. Thank you in advance for your cooperation.

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EXHIBIT F



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
HUMAN RESOURCES
1108 Bissell Avenue
Richmond, CA 94801-3135
Telephone (510) 231-1181 FAX (510) 237-6411

Kim Moses, Ed.D.
Interim Superintendent

Camille Johnson Ed.D.
Associate Superintendent, HR

Sylvia Greenwood, Ed.D.
Director, Certificated Staff, HR

December 20, 2024

Via Email Only

United Teachers of Richmond
Francisco Ortiz, President
President@unitedteachersofrichmond.com

Re: District's response to December 20, 2024 cease and desist letter

Dear Mr. Ortiz,

The District is in receipt of your cease and desist letter dated December 20, 2024, regarding the mid-year involuntary transfers. You claim that the District's reliance on Education Code section 35035 (e) and (f) is fundamentally flawed because UTR has been informed that the "Governing Board has neither approved these involuntary transfers nor discussed the matter in a public meeting."

The District's reliance on Education Code section 35035 is proper because the administrative transfer process being followed is found in Article 14, Section 5 of the 2022-2025 UTR collective bargaining agreement. The Board of Education ratified the collective bargaining agreement during a public meeting on April 12, 2023.

As you are aware, the District notified UTR of its intent to transfer credentialed non-classroom educators within UTR to classroom assignments in January 2025 due to the number of vacancies in the District. The District and UTR met on December 12, December 17, and December 18 to meet and confer over this administrative transfer process. Several agreements regarding the transfer process were made during these three bargaining sessions.

The District has determined that the reassignment letters improperly reference Article 14, Section 3, of the UTR agreement, and therefore, the District will rescind the reassignment letters issued on December 19, 2024. However, please note that the District will reissue reassignment letters on

January 6, 2025, with the correct assignment procedures outlined in Article 14, Section 5 (Transfer and Reassignment). The anticipated start date of these reassignments will be January 21, 2025, to ensure all procedures outlined in Article 14, Section 5 can be completed prior to the reassignments.

Sincerely,

A handwritten signature in black ink that reads "Camille Johnson". The signature is written in a cursive, flowing style.

Camille Johnson, Ed.D.
Associate Superintendent, Human Resources

Cc: Dr. Kim Moses, *Interim Superintendent*
Dr. Sylvia Greenwood, *Director, Certificated Certificated Staff, HR*

EXHIBIT 10

1 John T. Affeldt, S.B. #154430
2 jaffeldt@publicadvocates.org
3 Karissa A. D. Provenza, S.B. #350737
4 kprovenza@publicadvocates.org
5 PUBLIC ADVOCATES INC.
6 131 Steuart Street, Suite 300
7 San Francisco, CA 94105
8 Telephone: (415) 431-7430

6 Rohit K. Singla, S.B. #213057
7 rohit.singla@mto.com
8 Dane P. Shikman, S.B. #313656
9 dane.shikman@mto.com
10 Kyra E. Schoonover, S.B. #343166
11 kyra.schoonover@mto.com
12 Laura R. Perry, S.B. #342504
13 laura.perry@mto.com
14 MUNGER, TOLLES & OLSON LLP
15 560 Mission Street
16 San Francisco, CA 94105
17 Telephone: (415) 512-4000

14 *Counsel for Petitioners*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF CONTRA COSTA**

17 SAM CLEARE, SARAH KINCAID,
18 JEREMIAH ROMM, HILDA CRISTINA
19 HUERTA, AND JETAUN THOMPSON

19 Petitioners,

20 v.

21 WEST CONTRA COSTA UNIFIED SCHOOL
22 DISTRICT, KENNETH CHRIS HURST, WEST
23 CONTRA COSTA UNIFIED SCHOOL
24 DISTRICT BOARD OF EDUCATION,
25 JAMELA SMITH-FOLDS, DEMETRIO
26 GONZALEZ HOY, OTHEREE CHRISTIAN,
27 MISTER PHILLIPS, AND LESLIE RECKLER,

26 Respondents.

Case No. N24-1353

**DECLARATION OF CTC EXECUTIVE
DIRECTOR, DR. MARY VIXIE
SANDY, IN SUPPORT OF
PETITIONERS' MOTION FOR A NEW
TRIAL**

Judge: Hon. Terri Mockler

Dept.: 27

Date:

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DECLARATION OF MARY VIXIE SANDY, Ed.D.

I, DR. MARY VIXIE SANDY, declare:

1. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

Background

2. I serve as the Executive Director of the California Commission on Teacher Credentialing (CTC) and have served in that role since 2011. As the oldest autonomous state standards board in the nation, the CTC serves a crucial role in California’s educational landscape. The agency is responsible for establishing state standards for educator preparation in public schools, overseeing the credentialing of professional educators, enforcing professional practices, and administering disciplinary actions for credential holders. In my capacity as the Commission’s Executive Director, I oversee public policy related to educator preparation and licensing and guide the agency in the issuance of over 300,000 credential documents annually and the accreditation of more than 250 colleges, universities and local education agencies offering educator preparation programs.

3. I hold a Doctorate in Education from UC Berkeley, a Master's Degree in Education from UC Davis, and a Bachelor's degree in Philosophy from Sonoma State University. I have over 30 years of experience in higher education and government. My career began as a consultant with the California Department of Education, where I focused on supporting development of the state’s model curriculum standards. In 1992, I joined the California Commission on Teacher Credentialing (CTC or Commission), as a grant manager, policy analyst, and program evaluator. I progressed to the role of senior manager in policy and program development, where I played a key role in implementing significant reforms in teacher credentialing.

4. I have also served as the Associate Director of Teacher Education and Public School Programs with the Chancellor’s Office, California State University and the Executive Director of the UC Davis School of Education CRESS Center.

Document received by the CA 1st District Court of Appeal.

1 State Certification Laws

2 5. I have been informed by Petitioners’ counsel that this matter is seeking an
3 order from this Court that would direct the West Contra Costa Unified School District
4 (WCCUSD) to fill identified teacher vacancies at three schools in the district and to cease its
5 practice of assigning uncertified individuals, including 30-day substitutes teaching beyond their
6 authorization period, to render teaching services in its classrooms. I have further been informed
7 that the Court has denied Petitioners’ requested order and declined to provide any relief. This is a
8 troubling outcome for the enforcement of state certification laws for the reasons set forth below.

9 6. State certification laws establish mandatory minimum standards for the
10 preparation of classroom teachers who may serve as teachers of record from which no district may
11 unilaterally relieve itself. The issuance of a state-approved certificate, that is, a document of some
12 type, such as a credential, including a permit or even a waiver, indicates that the individual
13 possesses at least a minimum level of education and pedagogical training to satisfy the State that
14 they can be allowed to render services as a teacher of record to students. Fully-prepared
15 individuals (those possessing a preliminary or clear credential) have completed all required subject
16 matter and pedagogical training applicable to their years of service (preliminary credentials for
17 newly graduated teachers and clear credentials thereafter). Interns have completed their subject
18 matter training but are still completing their pedagogical training. Permit holders and others with
19 emergency-style permits that would allow them to serve as teacher of record (e.g., Provisional
20 Internship Permits, Short Term Staff Permits, Limited Assignment Permits, etc.) are in various
21 stages of the process of obtaining the subject matter and pedagogical training needed to be fully-
22 prepared and, thus, during their period of development are only provisionally certified for limited
23 and in some cases, non-renewable periods of time. Waiver certification is also limited in time and
24 scope and is the lowest level of certification that authorizes an individual to serve as teacher of
25 record. Waivers are primarily reserved for situations where a requesting district can demonstrate
26 to the satisfaction of the Commission staff that no fully-prepared teacher, intern, or emergency-
27 style permit holder is available, that the individual proposed has sufficient training and skills and
28 is the district’s best available option. (Education Code section 44225.7.)

Document received by the CA 1st District Court of Appeal.

1 **Substitute Teachers**

2 7. Thirty-day substitutes are not certified to teach in any one classroom for the
3 entire year and are not certified beyond a caretaking 30-day role precisely because they are not
4 required to have any of the specialized subject matter or pedagogical training that would satisfy
5 the State that they were qualified to serve in such an important role. These substitutes are required
6 to possess only a baccalaureate degree. (Education Code sections 44252 and 44300.) (Note, the
7 basic skills proficiency requirement, which previously required most teacher candidates to pass the
8 CBEST exam, can now be satisfied by possession of a baccalaureate degree). Any baccalaureate
9 degree suffices. Substitutes are not required to possess competence in the particular subject matter
10 of the course which they are temporarily teaching. Nor are substitutes required to have had any
11 training in pedagogy in a teacher preparation program. Thus, they are not trained in how to teach
12 (e.g., lesson planning, grading, differentiated learning styles, classroom management, basic legal
13 obligations, etc.), much less on how to teach the particular subject matter of the class they are
14 filling in for. Substitutes also lack training, therefore, in how to address the specialized needs of
15 the students found in most California public school classrooms, particularly special education
16 students and English Learners. The former require specific instructional strategies and
17 accommodations set forth in the student’s Individualized Educational Program (IEP); the latter
18 require specialized approaches to help limited-English-proficient students understand instruction
19 in academic content that is only taught in English and instruction that simultaneously supports the
20 students’ listening, speaking and writing in English. (See, for example, Education Code sections
21 44253.1-44253.6; Title 5, California Code of Regulations, sections 80015-80016.)

22 **Consequences of Denying Writ**

23 8. The Court’s denial of an order that WCCUSD must only fill certificated
24 positions with certified individuals, to serve as teacher of record, has concerning consequences
25 beyond the unauthorized use of 30-day substitutes. If freed from the mandatory strictures of state
26 certification laws, the district could equally determine that it needed to fill vacancies permanently
27 with other untrained and uncertified persons such as parents, undergraduates, classroom aids
28

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1 teacher, or apply for a waiver from the Commission. When a district, such as WCCUSD in this
2 instance, refuses to test its hardship conclusions before the Commission by seeking a waiver
3 through the required processes, the Commission's authority and expertise in upholding minimum
4 teacher quality standards are evaded and usurped.

5 //

6 //

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9



10 **DATED:** December 18, 2024

11

Mary Vixie Sandy, Ed.D
Executive Director
Commission on Teacher Credentialing

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EXHIBIT 11

By electronic filing

May 28, 2025

Hon. Jim Humes, Administrative Presiding Justice
Court of Appeal, First District, State of California
350 McAllister Street
San Francisco, CA 94102

Re: Cleare, et al. v. West Contra Costa Unified School District, et al.
Court of Appeal Case No. A173289 (Superior Court Case No. N24-1353)

Dear Administrative Presiding Justice Humes:

The California Teachers Association (CTA) submits this letter in support of Petitioner-Appellants' motion to grant a calendar preference and to set an expedited briefing schedule in the above-referenced appeal.

CTA represents approximately 300,000 educators in California's public schools, including in the West Contra Costa Unified School District ("the District"), one of the Respondents in this case. The District's ongoing failure to fill vacancies with fully and properly qualified teachers has negatively affected CTA members and the students they teach. Members have had to support under-trained substitutes and tutor their students in under-staffed schools while, critically, students have missed out on the educational opportunities that flow from having a credentialed teacher in every classroom.

CTA agrees that the interests of justice warrant giving this appeal a calendar preference under section 36(e) of the Code of Civil Procedure. If the appeal is not resolved before the beginning of the 2025-26 school year, it will likely result in the District's continuing unlawful use of 30-day substitutes to teach classes on a permanent basis for the entire school year. This outcome would cause additional irreparable harm to the District's students and teachers.

For these reasons, amicus party CTA urges the Court to grant Petitioner-Appellants' motion.

Respectfully submitted,

/s/ Brian Schmidt
Brian Schmidt
CTA Staff Attorney

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[PROPOSED] ORDER

The Court grants Petitioners-Appellants' Motion for Calendar Preference and sets the following expedited briefing schedule:

Petitioners-Appellants' Opening Brief due June 25, 2025.

Respondent-Appellee's Answering Brief due July 23, 2025.

Petitioners-Appellants' Reply Brief due August 6, 2025.

Oral argument will be given calendar preference upon the completion of the briefing. The appeal will be heard during the Court's August sitting on August 19 or August 20, 2025.

SO ORDERED.

DATED: _____
_____ Presiding Judge

PROOF OF SERVICE

SAM CLEARE, et al. v. WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT. et al.

**California Court of Appeals, First Appellate District, Division Two,
Case No. A173289**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 350 South Grand Avenue, Fiftieth Floor, Los Angeles, CA 90071-3426.

On May 28, 2025, I served true copies of the following document(s) described as on the interested parties in this action as follows:

- 1. MOTION TO GRANT CALENDAR REFERENCE AND SET AN EXPEDITED BRIEFING SCHEDULE;**
- 2. DECLARATION OF KARISSA PROVENZA (EXHIBITS ATTACHED);**
- 3. [PROPOSED] ORDER.**

BY ELECTRONIC SERVICE: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system. At the time of filing, I electronically served participants in the case who were registered TrueFiling users via the TrueFiling system. Participants in the case who were not registered TrueFiling users were served by mail or by other means permitted by the court rules, as indicated below:

Katherine A. Alberts
Leone Alberts & Duus
1390 Willow Pass Rd., Ste. 700
Concord, CA 94520
Ph: (925) 974-8600, ext. 117
Fax (925) 974-8601
Email: kalberts@leonealberts.com
service@leonealberts.com

*Attorneys for Respondents West
Contra Costa Unified School
District, Kenneth Chris Hurst,
West Contra Costa Unified
School District Board Of
Education, Jamela Smith-Folds,
Demetrio Gonzalez Hoy, Otheree
Christian, Mister Phillips, And
Leslie Reckler*


BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for

collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid as indicated below:

Clerk of the Superior Court for the State of California,
County of Contra Costa
The Honorable Benjamin T. Reyes II
Hon. Terri Mockler
Department 16
725 Court Street
Martinez, CA 94553

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 28, 2025, at Los Angeles, California.



Julie Mardorf

Document received by the CA 1st District Court of Appeal.