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SCHOOLS

WCCUSD case could set precedent that classrooms can be staffed with 'unqualified' people

At a hearing on Monday, an appeals court justice pressed the district on letting uncredentialed substitutes teach classes for the full year.

By **Jana Kadah**

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Fernando Oviedo (center) and other Kennedy High School students staged a walkout to support the West Contra Costa Unified School District teachers' strike in December 2025, noting that they have had a revolving door of substitute teachers. Public Advocates attorney Karissa Provenza said she spoke to Kennedy High School students recently about their right to have full-time credentialed teachers and nearly all the students were shocked because they were so used to having uncredentialed substitutes. Credit: Maurice Tierney for Richmondside

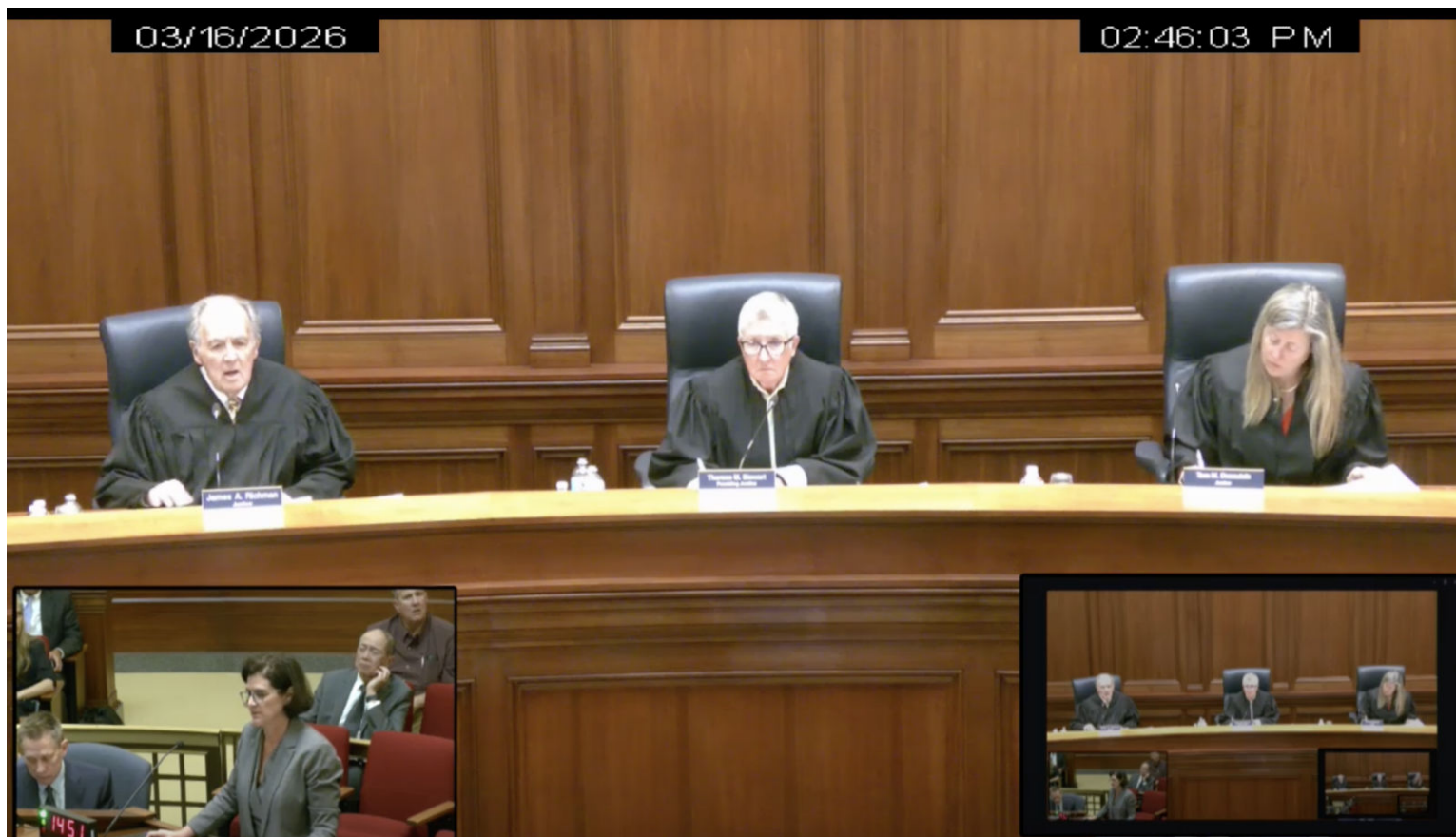
The 1st District Court of Appeals in San Francisco heard arguments Monday in a lawsuit seeking to force the West Contra Costa Unified School District to staff classrooms with credentialed teachers.

[Sam Cleare et al. v. West Contra Costa Unified School District](#), which was denied a motion for new trial by a Contra Costa Superior Court early last year, is a landmark civil rights lawsuit alleging that the district failed to provide safe facilities and qualified teachers, particularly at Stege Elementary, Helms Middle, and Kennedy High schools. Educators and parents, represented by Public Advocates and Munger, Tolles & Olson LLP, argued that dangerous conditions, such as mold and asbestos, and staffing classes with substitutes or transferred-in temporary teachers, violated the [Williams v. California](#) 2004 settlement.

At the appellate level however, plaintiffs dropped facility concerns and focused on the district's failure to fully staff classrooms with credentialed staff. The case was dismissed in 2025 by Contra Costa County Superior Court Judge Terri Mockler, who said the statewide teacher shortage makes it "impossible" for the district to fully staff all classrooms.

But the plaintiffs appealed, noting that an impossibility argument does not apply here nor excuses districts from its responsibility. They want the court to order the district to cease its “illegal reliance” on unauthorized substitutes and only fill vacancies with properly certified teachers.

“It was legally inappropriate for the court below to consider an excusal from compliance conversation with the school district,” said Public Advocates managing attorney John Affeldt, who presented the plaintiffs’ oral arguments during Monday’s hearing, which was livestreamed. “If there is impossibility, you cannot ask a court to excuse you. You need to follow the certification scheme, which tells you where to go. You go to the Commission on Teacher Credentialing and make your case there which (WCCUSD) chose not to do.”



(From left) Justices James Richman, Therese Stewart and Tara Desautels presided over an appellate hearing in a civil suit against WCCUSD. In the bottom left hand corner is WCCUSD lawyer Katherine Alberts. Credit: Jana Kadah for Richmondside via live broadcast.

WCCUSD, represented by lawyer Katherine Alberts of Leone Alberts & Duus, argued that the district has gone “above and beyond” to comply with the law, saying it hired retired teachers, recruited from 35 universities and created a teacher residency program.

“What’s the district to do when it has gone through everything that it can and it still has this handful of remaining vacancies,” Alberts said. “We cannot force people to apply to our district. We cannot force once people apply (to not) apply to positions at different schools. We can’t force them to take the job.”

Alberts also argued that at the time the lawsuit was filed, there were 14 vacancies at those three schools, and

by the time it went to court, there were only three that were filled by uncredentialed substitute teachers. (This year districtwide there were about 70 unfilled spots.)

“But the point, I guess, is that at the end, at least, according to you, three of the classrooms were presided over by unqualified people,” said Justice James Richman, one of a panel of three hearing the case, to Alberts, leading a strong line of questioning to the WCCUSD attorney.

Justice Therese Stewart asked why the assertions from both sides differed like “night and day.” The WCCUSD attorney painted a picture of a district doing its best to make sure that classrooms are staffed while the plaintiffs argued the district has disregarded its legal obligation openly.

Decision expected in a couple of weeks

It could be awhile before the appeals court decides whether to order the lower courts to issue a writ that mandates WCCUSD to fill its vacancies with qualified teachers. The court typically takes 90 days to issue a decision.

The writ would be in accordance with the Williams Act, which dictates how school districts handle complaints about school conditions and establishes standards for educational resources.

Affeldt, the plaintiffs’ lawyer, was the lead counsel on the teacher quality aspects of the Williams case.

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“The school district, by its own admission, is unilaterally disobeying a core command of the Legislature to provide a trained teacher in every classroom.”

— John Affeldt, plaintiffs’ attorney in *Cleare vs. WCCUSD*

“When we settled the constitutional claims 22 years ago, the Legislature clearly articulated its intent that the three Williams conditions are minimally required components of a public education for every child: a textbook, safe facilities, a single year-long, certified teacher in every classroom,” Affeldt told the justices. “And in 22 years since we’ve had Williams ... never has a district said it is impossible for us to comply, and we’re not going to comply.”

Substitutes are authorized to serve in a classroom temporarily for 30 or 60 days, and the Williams Act does not permit the use of rotating substitutes (which students and staff have told Richmondside is a common practice).

If a district cannot find a credentialed teacher, or someone who has an emergency permit or is in the process of being credentialed, then as a last resort, it could request a waiver to use uncredentialed substitutes for a year.

Plaintiffs said the district even failed to request these waivers.

WCCUSD’s attorney argued that the district preferred a year-long assignment to give the students continuity. Alberts said just because an uncredentialed sub doesn’t become credentialed shouldn’t be a reason to discount them.

“That doesn’t mean that they’re unqualified. They’re still dedicated to teaching. They just like being a substitute teacher, and they were assigned to those classrooms for the year,” Alberts said. “And it’s a last resort. It is not something that the district wants to use just because it can. It’s not flouting the requirements of the Williams act or its duty, but it’s left in a position (where) they didn’t have enough credentialed people applying or within their own ranks to fill these positions.”

But Affeldt said the waiver system exists for a reason: It ensures state oversight, sets parameters to provide extra support for substitute teachers and limits the amount of time so a district doesn’t rely on that option indefinitely.

“The school district, by its own admission, is unilaterally disobeying a core command of the Legislature to provide a trained teacher in every classroom and at the same time, unilaterally evading state oversight of its practices,” Affeldt said. “They (WCCUSD) brag that we treat our substitutes like any other teacher. That’s wrong. The waiver says you’ve got to give extra support and supervision that’s not happening in west Contra Costa.”

Outcome could set statewide precedent

Members of the United Teachers of Richmond (UTR) and the California Teachers Association were in court

Monday alongside about 40 students from Richmond and De Anza high schools who are interested in legal careers.

Francisco Ortiz, UTR president, told Richmondside ahead of the hearing that he hopes that the court will enforce the law.

“I am hopeful that the judge will say that every student exists and deserves a qualified and certificated educator in front of them. I do hope that they will uphold the Williams Act,” Ortiz said.



Francisco Ortiz, president of UTR, lead strikers during the four-day strike in December. One of the main concerns raised by UTR and the students supporting their teachers was the vacancies and the district’s revolving door of substitute teachers. Credit: Tyger Ligon for Richmondside

Ortiz added that since the Cleare lawsuit was filed, districtwide staffing levels have not improved at WCCUSD. He said this year the district employed a record-high number of substitutes, he said, with 140 at one point.

Ortiz said he is not sure how many vacancies there are now, or what to expect in the next school year as the district prepares for a **wave of layoffs**. He said that number will become clearer in the next three weeks.

Karissa Provenza, attorney with Public Advocates, said the outcome of Monday's hearing is critical because of the precedent it could set for districts statewide.

"This is the first Williams case since Williams was settled (in 2004)," Provenza told Richmondside. "Other districts are going to see that if west Contra Costa can get away with this, so can we all."

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