

# **EXHIBIT O**



February 9, 2016

*Via electronic mail*

Dr. Bruce Harter  
Superintendent  
West Contra Costa Unified School District  
[bharter@wccusd.net](mailto:bharter@wccusd.net)

RE: Item F.1 regarding the required justification and process for allocating supplemental and concentration funding to re-bench teacher salary schedules

Dear Superintendent Harter:

We appreciate that the West Contra Costa Unified School District (“WCCUSD” or “the District”) has scheduled a public hearing to consider ratification of an agreement to raise salaries and benefits with the United Teachers of Richmond (“UTR”) over the next three years and possibly to discuss the appropriation of supplemental and concentration reserves to fund some portion of the agreement. Even with this action, however, the District is in danger of falling far short of its legal obligation regarding the expenditure of supplemental and concentration funds, which must be done in consultation with the WCCUSD community, specifically identified in a proposed amended LCAP, targeted to meet the District’s goals for high need students, adopted in a public hearing and subsequently approved by the county superintendent. We wrote a letter to this effect on September 16, 2015, attached.

Again, we are not opposed to the District’s proposed use of supplemental and concentration funds to increase salaries for the teachers in WCCUSD if the district can properly justify that use. Indeed, we support the District to take steps to recruit and retain quality teachers. We do, however, expect the District to follow these legally required steps prior to committing, explicitly or implicitly, to the expenditure of supplemental and concentration funds. If the District chooses not to follow these steps yet proceeds to ratify the agreement, it will be committing to an obligation for which it has not yet secured funding (to the extent the district hopes to rely on its supplemental and concentration reserves as announced) and for which it may not be able to do so under the LCFE statute and expenditure regulations.

Accordingly, we urge the District to take the following actions before committing to any expenditure of supplemental and concentration funds:

- 1) Amending its LCAP to identify:
  - a. In Section 1, the District's efforts to engage stakeholders—including parents and students--in this (and any other new) expenditure, as well stakeholders' input on this proposed expenditure, the identified need it aims to address, and the metric(s) the District will use to evaluate its success; and
  - b. In Sections 2 and 3, the base, supplemental and concentration expenditures that are proposed to fund the salary increases and, as to supplemental and concentration funds, how these funds will be "principally directed" and "effective" in meeting high need pupil goals together with the required teacher quality progress measures by which to judge the effectiveness of this investment; and
- 2) Holding a public hearing on this decision before adopting the amended LCAP and before committing to any expenditure of supplemental and concentration funds; and
- 3) Obtaining approval for the amended LCAP from the Contra Costa County Office of Education.

Please respond to this inquiry by noon on February 10<sup>th</sup>. We did not receive a response from the District to our September 16<sup>th</sup> letter. If we do not receive a response to this letter, we will assume the District is not planning to amend its LCAP and will act in accord with that conclusion.

Thank you for your prompt attention to this matter.

Sincerely,



Rigel S. Massaro  
*Staff Attorney*  
**Public Advocates Inc.**



Lilly Chen  
*Statewide Education Rights Attorney*  
**Public Counsel**