September 16, 2015

Dr. Bruce Harter
Superintendent
West Contra Costa Unified School District
bharter@wccusd.net

RE: Item F regarding the use of $4.3 million in supplemental and concentration funding to re-bench teacher salary schedules

Dear Superintendent Harter:

At the West Contra Costa Unified School District (“WCCUSD” or “the District”) Board Meeting tonight the District is recommending that the Board ratify the tentative agreement between the District and the United Teachers of Richmond, and in so doing appropriate $4.3 million in supplemental and concentration funds for the purpose of increasing teacher salaries for the 2015-2016 and 2016-2017 school years. To be clear, 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 expect and urge the District, however, to allocate supplemental and concentration dollars according to the LCFF law and regulations.

We write now to remind the District that any action it may take tonight to ratify this agreement can have no force and effect unless and until the supplemental and concentration funds have been properly identified and justified in the District’s LCAP in accord with LCFF’s legal requirements and approved by the County. None of these steps have yet taken place. Accordingly, we request that the District take the following actions:

1. **Account for these funds in the District’s 2015-2018 LCAP. In so doing, the District should:**
   a. *Explain how this expenditure of supplemental and concentration funding will increase or improve services for high-need students. To the extent the District believes its investment will improve teacher quality in the District, the District will need to demonstrate it has a quality problem (e.g., in terms of retention, experience, qualifications, etc.) using actual district data.*
b. Justify this expenditure as “principally directed towards... meeting the district’s goals for its unduplicated pupils.”

c. Justify this expenditure as likely to be “effective in meeting the district’s goals for unduplicated pupils.”

d. Identify the annual measurable outcomes associated with this expenditure and its goals so as to ensure this expenditure does indeed meet the District’s goals to increase retention, experience, and qualifications, reduce turnover, etc.

The District must identify the total amount of funds calculated on the basis of unduplicated pupils in LCAP Section 3, including May revise figures. LCAP Template at 19; Cal. Dep’t of Educ. LCFF FAQs. In Section 2 of the LCAP, the District should account for this new $4.3 million supplemental/concentration expenditure as an action/service serving one of its annual goals for unduplicated pupils, and should add annual measurable outcomes to measure the effectiveness of this strategy to meet the needs of the District’s high-need population.

The $4.3 million expenditure should also be justified according to the LCFF regulations under Section 3(A), i.e., as to how the expenditures are principally directed towards and will be effective in meeting the District’s goals for unduplicated pupils. This section provides the public with important information about how the District plans to increase or improve services for unduplicated students and must account for all supplemental and concentration funds.

2. Resubmit the LCAP to the Board for re-approval, after a public hearing.

Public Advocates and Public Counsel are part of an LCAP coalition of community organizations parents and students that sent a letter to the District and the Board on June 24, 2015 (attached to the email), specifically requesting that the District 1) include the District’s plan for the $4.3 million in Section 3(A) of WCCUSD’s 2015-2018 LCAP, and 2) hold a public hearing to allow community input on the District’s proposed allocation of supplemental and concentration funding. We write now to reiterate these requests. No less is required for all expenditures of LCFF funds and amendments to LCAPs.

The District must follow processes required by law to amend its LCAP in order to permit parents, students, and community stakeholders to provide input. The Education Code provides Districts an opportunity to adapt to changing circumstances by revising their LCAPs, so long as Districts follow the same process used for approving LCAPs. Cal. Educ. Code § 52062(c). WCCUSD must hold an additional public hearing and second adoption hearing to give parents and students a voice in determining how best to spend the additional supplemental and concentration funding. Cal. Educ. Code § 52062(b)(1-2).

3. Resubmit the Revised LCAP to the County for Approval

The District must also resubmit its 2015-2018 LCAP to the Contra Costa County Office of Education for re-approval. County offices are required to approve all LCFF expenditures, and are required to ensure particularly that all supplemental and concentration expenditures are properly identified and justified in accord with the LCFF statute and expenditure regulations.
This new $4.3 million expenditure of LCFF supplemental and concentration funds is too significant an amount of funds for the district to expend without lawful county review.

Sincerely,

Rigel S. Massaro
Staff Attorney
Public Advocates Inc.

Lilly Chen
Statewide Education Rights Attorney
Public Counsel

CC: Superintendent Sakata and Associate Superintendent Clark, Contra Costa County Office of Education, via electronic mail