

Friday Memo
June 9, 2017

Upcoming Events – Matthew Duffy

June 10: Pinole Valley High Graduation, Richmond Convention Center, 12:00 PM
June 10: Alternative Education Graduation, Richmond Convention Center, 3:30 PM
June 10: Hercules High Graduation, Hercules HS Football Field, 6:00 PM
June 12: Technology Committee, IT Center, 4:00 PM
June 13: DBEC, Kennedy Library, 6:30 PM
June 14: Board of Education, DeJean, 6:30 PM
June 19: Summer School Begins
June 19: Governance Subcommittee Meeting, Alvarado, 6:00 PM
June 20: Solutions Team, UTR, 1:00 PM
June 20: Facilities Subcommittee, FOC, 4:00 PM
June 21: CBOC, FOC, 6:00 PM
June 27: DBEC, Pinole Middle, 6:30 PM
June 28: Board of Education Meeting, DeJean, 6:30 PM

Next Week's Board Meeting – Matthew Duffy

Closed Session for the June 14 meeting will begin at 5:30 PM.

Consultant Contract Enforcement – Lisa LeBlanc

On May 20, 2017, the attached correspondence was e-mailed to the Board of Education from Mr. Ben Steinberg on behalf of multiple signatories. Also attached is a communication from Harold Freiman, Esq., responding to the letter as District legal counsel.

Nia Rashidchi-Looking Ahead: Curriculum Adoption Information

WCCUSD follows the parameters laid out by the Williams Settlement and recommendations from Contra Costa County Office of Education (CCCOE) who inspects all of our secondary schools and most of our elementary schools for textbook compliance each year. The CCCOE requires us to show that we have Board-adopted textbooks, the adoption year, and publication information.

Whenever we purchase new materials, a digital component is included. Typically, this is the textbook online with interactive materials, including video and audio. For example, we are in our 2nd year of the K-5 adoption of *My Math*. This program allows any student to use the online materials in English or Spanish. This is an important feature for bilingual education and our newcomers at each grade level.

When we adopt new K-8 curriculum like the aforementioned *My Math* program, we are paying up front for a 6-year supply of consumables and digital licenses. This eliminates on-going costs.

High schools do not have adoptions, per se, but we have a process in place that supports all district high school teachers in particular subjects to meet, examine, review and select one curriculum to use. Teachers are always encouraged to supplement the core curriculum, but we

need to provide equitable access for all students in a course districtwide. This is especially important for courses that we have designated to meet the A-G requirements.

It is important to note, that some of our current secondary curriculum is outdated and not Common Core aligned. We made great steps forward this year with the StudySync ELA adoption for middle school. It is indeed standards aligned, exemplifies blended learning, and provides resources for teachers to use to plan engaging units of study and a means to differentiate their instruction to better meet the varying needs of students.

During the June 14 Board meeting, teachers will be presenting on the 6th-8th grade Math and Algebra 1 recommended adoptions. The materials will also provide us with a 6-year supply of consumables and digital licenses. The materials are also Common Core aligned and will better meet the needs of our students.

The Teaching, Learning, and Leading department will continue to support teachers in expanding curriculum options by incorporating digital platforms such as Newsela, NBC Learns, Khan Academy and contemporary literature. Creating curriculum that is culturally relevant is a way to honor and engage our diverse student population and is aligned with the tenets of Common Core.

The CDE Curriculum Framework reference sheet outlines a timeline for adoption across all curricula. This timeline is based on statutes and regulations current as of June 2016, but may change if new legislation is passed. As reflected in the link below, a new History-Social Science Framework was published in 2016. The state will finalize programs recommended for adoption in the fall of 2017, and we will then begin involving teachers, stakeholders, and our community partners in reviewing those resources.

This document also outlines similar information for Science, Health, and World Languages. CDE explicitly outlines a process and procedure for conducting an adoption that is fair and equitable.

Please click here to review the [CDE Adoption Timeline](#).

Celebration/Congratulations – Ken Whitemore

I wanted to make the Board of Education aware that on June 8, 2017, Rosemary Archuleta retired from the District as a Special Education Assistant Autistic at Downer. Mrs. Archuleta started with the District in 1973, providing over 44 years of service to our students.

Dual Immersion Expansion – Matthew Duffy

At the previous Board meeting, a question was asked about Washington Elementary School's Dual Immersion timeline. The action the Board approved on January 4th was that the Board specifically granted administrative discretion to implement expansion options.

At the January 18th meeting, Board members asked to clarify that the Board did not vote on January 4th to close the English only program.

West Contra Costa Unified School District
Office of the Superintendent

So while we did not vote to close any program in our expansion **efforts for 2017-18**, my January 4th presentation made it clear that we planned to *expand Dual Immersion to a full school model in 2018-19* and allowed the Board to give staff specific direction to do just that.

As a result of that community engagement, we determined Washington as the best fit and I reported on those reasons last meeting. There are currently four families signed up for English Only program for 2017-2018. The program is currently open for those four families and we will let them know that there are only four children and explore options with them for placement going forward.

Additionally, we are starting to land on potential options for other Dual Immersion sites for 2018-2019 that would include Downer as the leading candidate to expand. We also continue to determine the future of the TBE bilingual program in our district.

Pupil Suicide Prevention Policy (Revision of Board Policy BP 5141.52) – Steve Collins

At the School Board Meeting on Wednesday, June 14, 2017, I will be presenting as a Discussion Item the revision of current Board Policy 5141.52

AB2246 (O'Donnell) mandates that the governing board of a local educational agency that serves pupils in grades 7 to 12 adopt a policy on pupil suicide prevention, prior to the beginning of the 2017-18 school year that specifically addresses the needs of high risk groups. Also, it encourages districts to provide suicide prevention training for teachers, school counselors and other district employees who interact with students in the secondary grades.

The updated policy must include high risk groups as follows:

- a. Youth bereaved by suicide
- b. Youth with disabilities, mental illness, or substance use disorders
- c. Youth experiencing homelessness or in out-of-home settings, such as foster care.
- d. Lesbian, gay, bisexual, transgender, or questioning youth

According to the latest 2013 data from the federal Centers for Disease Control and Prevention, suicide is the second leading cause of death for youth and young adults 10 to 24 years of age, inclusive. As children and teens spend a significant amount of their young lives in school, the personnel who interact with them on a daily basis are in a prime position to recognize the warning signs of suicide and make the appropriate referrals for help. In a national survey conducted, the number one person whom a pupil would turn to for helping a friend who might be suicidal was a teacher. It is imperative that when a young person comes to a teacher for help, the teacher has the knowledge, tools, and resources to respond.

Suicide Awareness Material - Marcus Walton

District staff has prepared materials for school communities that raises awareness about the Netflix series "13 Reasons Why," which focuses on the suicide of a young woman who leaves tapes explaining the reasons she takes her own life. The communication also provides suicide resources and information about the show. The [letter and resources can be found here](#).

Google Docs - Marcus Walton

The District has been transitioning to the use of Google Docs in the creation of materials, which allows better collaboration between departments and staff members. In order to better work with

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Board members using these documents (for instance, the [list of elected officials and their key staff](#) or draft documents you may wish to review like resolutions), here are some instructions on how to access documents when they are shared with you (we have included screen grabs to help you navigate the process).

1. Please access District documents using your wccusd.net email.
2. You will usually receive an email (in your wccusd.net account) sharing the document with you. Click on the document.
3. If you are not signed into your wccusd.net account through Google, you will not be allowed access to the document. In order to gain access:
 - a. Navigate your browser to www.google.com.
 - b. In the upper right hand corner, there will be one of two icons: a blue, rectangle with the words “Sign in” or, if you have already signed into Google using another account, there will be a green circle with your initials.
 - c. If the blue icon is showing, simply click on the blue icon and sign in using your wccusd.net email and password.
 - d. If the green circle is showing, click on it and select “Add account.” Sign in using your wccusd.net email and password.
 - e. Once you have signed in, there will be a box of squares laid out 3 x 3 in the upper right corner. These squares indicate the available Google apps, including Google Docs and Google Drive. Click on the squares.
 - f. Select Drive. Once you are there, you can see the documents that have been shared with you. Depending on the access, you will be able to view or edit the document.

If you have questions or need someone to walk you through this process, feel free to contact the Help Desk at (510) 231-1125 or Marcus Walton at (510) 231-1151.

Action Item F.2 Declaration of Need for Highly Qualified Educators – Ken Whittemore

On item F.2 of the June 14 Board of Education agenda there is a Declaration of Need for Highly Qualified Educators. This is an annual projection, which must be placed on the agenda as an action item.

This declaration must be on file with the Commission on Teacher Credentialing before any emergency permits are issued for service with the district. With this declaration, Human Resources will still bring all individuals to the Board of Education for approval. This affords the district the ability to do everything possible to meet the educational needs of our students.

It is also important to note these projections are on the high side. If the Districts exceeds these numbers by more than 10%, we will return to the Board of Education and public to update the numbers.

Please contact me if you have any questions I might answer.

Action Item F.3 Declaration to Hire 30-Day Substitutes on CBEST Waivers – Ken Whittlemore

Before the Board of Education on June 14 is item F.3, a Declaration to Hire 30-Day Substitutes on CBEST Waivers. This annual request helps us to recruit candidates with Bachelor's Degree to provide substitute services. We do offer CBEST classes in the district to assist in passing the CBEST.

In these times of need this is one method we may use to assist in raising the number of candidates in our substitute pool.

Please contact me if you have any questions on this item.

Consent Items – Ken Whittlemore

The Human Resources Department has five items on the consent agenda. I wanted you to have a brief description of each prior to Wednesday.

- 1). Item G.7 is the routine personnel changes. This will have a large number of resignations/retirements. This high number is reflective of a large number of certificated retirements. Also, included are new teachers, who are under contract for the 2017-18 school year.
- 2). Item G.8 is an item to allow us to have agreements with colleges to host student teachers. This is a valuable way to have prospective teachers in our district. Each year we have to enter into contracts with universities to be able to host student teachers.
- 3). Item G.9 is an initial proposal so the district can enter into negotiations with Adult Education staff. This is important as the District agreed last year to have annual discussions/negotiations with our Adult Education staff.
- 4). Item G.10 and G.11 are part of the negotiated agreement with SSA-Local 21. The reclassification was requested by the Information Technology Department and caps over two years of work. These negotiated reclassifications for these two positions are reflective of the duties these positions now perform, and are commiserate with compensation for the two roles.

If you have any questions I might answer on these items, please do not hesitate to contact me.

Revised Board Policy 1312.3 – Uniform Complaint Procedures – Ken Whittlemore

Before the Board of Education on June 14 is item G.13 revised board policy 1312.3 is brought for a second reading. Since the last board meeting we have received an update from the California School Board Association. This addition to the current reading will allow us to stay in compliance with Education Code.

Public Records Log – Marcus Walton

Included in this week's memo is the log of public records requests received by the district. If you have any questions, please contact me.

May 20, 2017

Elizabeth Block
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elizabeth.block@wccusd.net

Valerie Cuevas
Board Clerk
Valerie.Cuevas@wccusd.net

Madeline Kronenberg
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Tom Panas
Trustee
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Mister Phillips
Trustee
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Matthew Duffy
Superintendent
matthew.Duffy@wccusd.net

Re: Demand Letter for Construction Contract Enforcement

Dear Trustees and Superintendent Duffy:

We, the undersigned, believe that the WCCUSD and the Board of Education have failed to take assertive action on SGI's breach of contract identified in the forensic audit. This matter must be handled with urgency if it is to be resolved in favor of the school district and district taxpayers.

Background

As a result of whistleblower Dennis Clay's allegations in 2015, the WCCUSD Board of Education authorized an independent forensic audit of the school district's \$1.6 billion bond-funded school construction program. The forensic audit firm, Vicenti, Lloyd, & Stutzman ("VLS") conducted a forensic audit that has cost the school district approximately \$1 million, but the forensic audit remains incomplete because SGI, the construction manager, refused to provide project documents to the forensic auditors. It is also important to note that Mr. Clay's allegations related to only a small portion of the overall project.

Under its two contracts and contract extension, the school district has paid SGI to-date approximately \$100 million for its construction management services. The school district's contracts with SGI contain a "Right to Audit" clause that stipulates full access to project documents. SGI's

willful refusal to comply with the forensic auditor's requests for access to project documentation represents a clear and significant breach of contract. Underscoring the breach of contract, SGI issued a directive to its employees not to cooperate with the forensic auditors in their forensic investigation and later issued another directive that limited the forensic auditors ability to speak freely to SGI employees or other contractors unimpeded and unmonitored.

In its failure to perform in these contracts, SGI has caused the school district and the taxpayers resident in the school district's area substantial damages.

Demands and Remedies

We, therefore, demand that the school district do the following:

1. **Retain legal counsel to enforce the construction contract, compelling SGI to provide all project documents necessary to complete the forensic audit.** In the VLS final report, the forensic auditors stated that SGI's refusal to provide requested documentation represented a "scope limitation" that prevented the auditors from completing their assigned scope of work. SGI must meet its contractual obligation to provide project documentation for an audit.
2. **Collect costs, fees, and damages resulting from SGI's breach of contract.** Due to SGI's willful refusal to honor its contractual obligations, the school district (and ultimately the District's taxpayers) paid approximately \$1 million for an incomplete audit whose value was limited. We demand that legal counsel seek the following from SGI:
 - Reimburse the school district for SGI's breach of contract that left forensic auditors unable to complete their full scope. Given the incomplete audit, its incomplete findings, and the inability to provide a full assessment of the extent of any waste, fraud, or abuse, the legal counsel representing the school district should demand the million dollar forensic audit cost from SGI.
 - Require SGI to cover all associated costs to fulfill the forensic audit's full scope of work as approved by the WCCUSD Board of Education. After providing full access to all project documents, SGI shall pay all costs for VLS to complete the full scope of work for the forensic audit and issue an amended forensic audit report to the Board of Education. SGI shall also pay all legal fees incurred by the WCCUSD to compel SGI to abide by the terms of its contract.
 - Penalties for breach of contract shall be paid by SGI. While the contract does not define penalties for non-compliance and the forensic audit remains incomplete by SGI's failure to produce requested documents, we expect the eventual amount to be in the tens of millions of dollars.

3. Restitution for breach of contract regarding SGI's staff hire qualifications

In the construction management contract, SGI committed to hiring staff that possessed high levels of experience and qualifications to manage and implement the \$1.6 billion school construction program, paying them commensurately. The forensic audit found that SGI substituted lower quality staff and contractors for these positions than the contract stipulated. We demand that the school district compel SGI to pay for the VLS forensic auditors to calculate the difference between what was paid for the promised workforce and what should have been paid for the actual staffing. The school district should then seek restitution for this difference in the quality and experience of the SGI workforce.

4. Restitution for SGI's billing of inappropriate expenses to the school district

SGI billed the school district for inappropriate expenses, including employee sick time, employee annual leave, etc. as well as other inappropriate office expenses, as detailed in the forensic audit report. In the short period that was sampled, over \$106,000 of employee benefits were wrongly charged to the school district. We demand that the school district have the forensic auditors review employee benefits from the first day or the first contract with SGI to calculate the total amount that was wrongly paid. The school district must then seek full restitution for that recalculated amount, not only the \$106,000 that has been identified.

5. Recovery of punitive damages

Finally, since the forensic audit is not yet complete, these demands for restitution are not final. Once the full scope of the forensic audit is fulfilled, the school district must reserve the right to make additional demands for restitution from SGI.

If the amended forensic audit provides evidence of fraud, then an evaluation of a fraud cause of action against SGI should be assessed. If a fraud action is warranted, then the school district and taxpayers would be entitled to recover punitive as well as compensatory damages.

6. Legal Counsel Review

The school district's failure to enforce the large SGI contract has resulted in a loss of confidence by many in the community. Either the school district failed to heed district counsel's legal advice to take action or legal counsel failed to provide critical advice to the school district necessary to protect its financial interests. We believe that the Board of Education must evaluate the performance of its legal counselors and, if warranted, issue a Request for Proposals to solicit bids for new legal counsel, as appropriate.

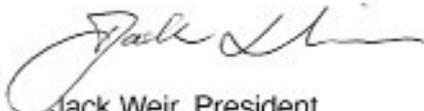
7. Public Notification

We further call on the WCCUSD to announce regularly to the public the status of its effort to compel SGI to abide by its contract and the efforts to remedy the breach of contract as well as notifying the community of the amended forensic audit timeline, process, and results.

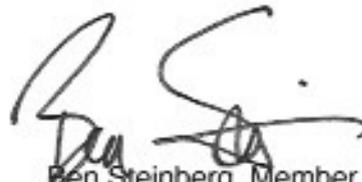
8. **Set deadline for response**

Finally, we expect that the school district will act promptly upon receipt of this letter and take action within 30 days, including notification to the community of its decisions, actions, and timelines. The resolution of this matter demands urgency.

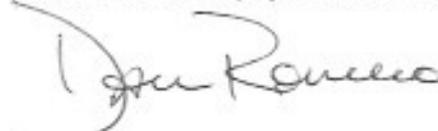
Sincerely,



Jack Weir, President
Contra Costa Taxpayers Association



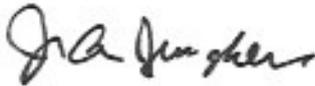
Ben Steinberg, Member
Contra Costa Taxpayers Association



Dan Romero, Council Member
City of Hercules



Sue Pricco, Chair
Contra Costa Taxpayers Association,
West County Branch
Former Chairperson, CBOC



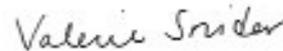
Anton Jungherr, Member*
Citizens' Bond Oversight Committee



Ivette Ricco, Former Chairperson
Citizens' Bond Oversight Committee



Linda Ruiz-Lozifo
Community Activist on Education



Valerie Snider
Education Activist



Alex Beltran, Member
West Contra Costa Parents Council



Scottie Smith
Education Advocate



Paul Freese, Former Member
Hercules Education Committee



Petronila Fernandes, Member
Ford Elementary Parents Council

*Title for information purposes only

Harold M. Freiman
Attorney at Law

E-mail: hfreiman@lozanosmith.com

June 8, 2017

By E-Mail: bsteinberg1@yahoo.com

Mr. Ben Steinberg
Member
Contra Costa Taxpayers Association

Re: Consultant Contract Enforcement

Dear Mr. Steinberg:

I am writing as District legal counsel in response to the May 20, 2017, correspondence that you forwarded to the Board and Superintendent of West Contra Costa Unified School District on behalf of multiple signatories. The May 20 letter addresses consultant contract enforcement. As you may know, my firm often advises the District on governance, policy and other Board related issues. The District referred your letter to me for a response.

The District appreciates the concerns and input of the signatories of the May 20, 2017, letter. The Board has had multiple opportunities to give consideration to the findings of the forensic audit performed by Vicenti, Lloyd & Stutzman, including the audit's observation that SGI refused to provide certain documents to the auditor. The Board has also had repeated opportunities to consult with its legal counsel regarding these subjects, including attorneys from other law firms. In order to preserve the attorney-client privilege, and in compliance with the Brown Act, the District cannot disclose the substance of the closed session conversations that it has had with its various legal counsel. This is one reason that the District is unable to provide the type of public notification that you have requested regarding the Board's consideration or actions related to enforcing compliance with contract provisions.

For any potential litigation, there are both possible upsides and risks. Please be assured that the Board has carefully considered both the advantages and disadvantages of any potential litigation over the subjects you have raised.

Mr. Ben Steinberg

June 8, 2017

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Thank you again for sharing your concerns.

Sincerely,



Harold M. Freiman

HMF/gc

cc: Matthew Duffy, Superintendent, WCCUSD
Elizabeth Block, Board President, WCCUSD

SR00511688

Mr. Ben Steinberg

June 8, 2017

Page 3

bcc: Lisa LeBlanc, Associate Superintendent Operation and Management, WCCUSD

- a. Navigate your browser to www.google.com.
- b. In the upper right hand corner, there will be one of two icons: a blue, rectangle with the words “Sign in” or, if you have already signed into Google using another account, there will be a green circle with your initials.
- c. If the blue icon is showing, simply click on the blue icon and sign in using your wccusd.net email and password.

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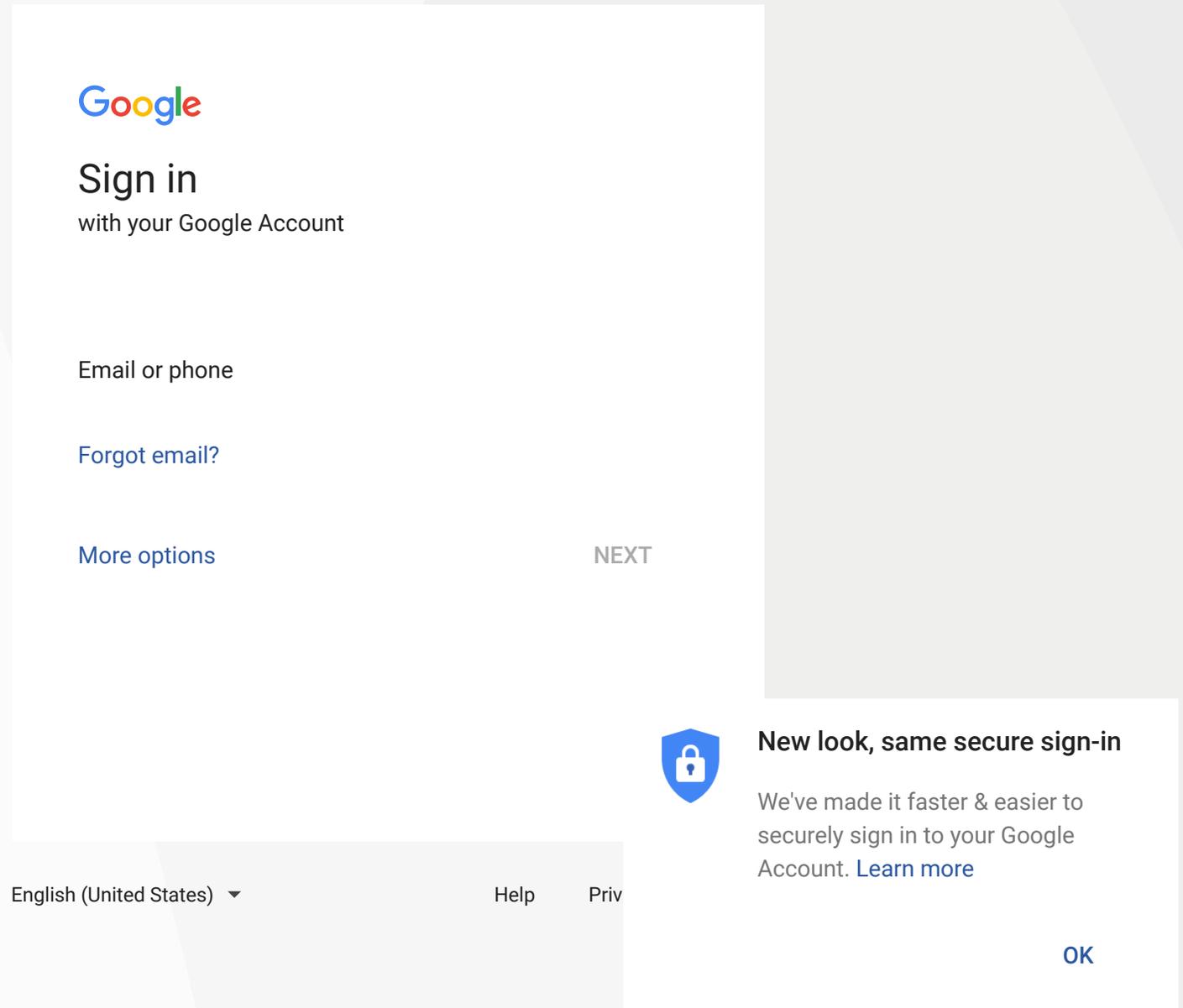
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The image shows a Google sign-in page. At the top is the Google logo, followed by the text "Sign in with your Google Account". Below this is a text input field labeled "Email or phone". There are two links: "Forgot email?" and "More options". A "NEXT" button is positioned to the right of the "More options" link. At the bottom left, there is a language selector showing "English (United States)" with a dropdown arrow, and links for "Help" and "Priv". A white notification box with a blue shield icon containing a lock symbol is overlaid on the bottom right. The notification text reads: "New look, same secure sign-in. We've made it faster & easier to securely sign in to your Google Account. [Learn more](#)". An "OK" button is located at the bottom right of the notification box.

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Contacts

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Public Records Request Log 2016 - 2017
Week Ending June 8, 2017

	Date of Receipt	Requestor	Requested Records/Information	Current Status
29	9/14/16	Matt Cagle American Civil Liberties Union	Surveillance Technology and Digital Searches beginning January 1, 2013 – Present	12/2/16 Documents sent via email 3/31/17 Documents sent via email 5/5/17 Documents sent via email Gathering/Reviewing additional DOCs Response due by 6/9/2017
65	2/7/17	Casey Hazelhofer Law Offices of Young, Minney & Corr. LLP	All WCCUSD Elementary & Middle Schools Student Data, Enrollment, School Site Data	3/31/17 Documents sent via email Gathering / Reviewing Additional DOCs
87	5/12/17	Dennis Clay	2006 Facilities Master Plan / 2000 Facilities Master Plan / Appendix Long Range Master Plan for WCCUSD	6/5/2017 Email sent Response due by 6/16/2017
88	5/31/17	Simone Aponte KTVU News	Uniform Complaint Procedures Data	Gathering Documents
89	6/1/17	Giorgio Cosentino	Teacher Attendance Data	Requestor No Longer Interested CLOSED
90	6/6/17	George Aradi Fair Political Practices Comm.	Board Members Records	Gathering Documents