

Friday Memo
August 5, 2016

Upcoming Events – Matthew Duffy

August 8: Technology Advisory Committee, IT Center, 4:00 PM

August 9: Solutions Team, UTR Office, 1:00 PM

August 10: Board of Education, DeJean, 6:30 PM

August 12: Leadership Team Advance, Pinole Middle School, 8:30 – 4:00

Next Week’s Board Meeting – Matthew Duffy

Closed Session for Wednesday’s August 10 meeting begins at 5:30 PM.

Clay Investigation Subcommittee Update – Timeline and Process for Forensic Accounting Report – Lisa LeBlanc

The Clay Investigation Subcommittee met on August 1, 2016 regarding the upcoming timeline and process for completing and distributing the Forensic Accounting Report. Attached is the Memorandum from Special Legal Counsel which outlines the timeline with proposed deadlines and tasks to be completed, along with a description of the final report. It should be noted that the draft forensic accounting report is scheduled to be released to the Board, subcommittee, staff and the public on August 31, 2016. Thereafter, the subcommittee has scheduled a meeting on September 8, 2016, at 5 p.m. to discuss the draft report and Kawahara legal findings in detail. The subcommittee is targeting the final report be presented to the Board on September 21, 2016. The contracts for Vicenti, Lloyd and Stutzman LLP and for Mr. Kawahara terminate on August 31, 2016. Therefore, the Subcommittee is recommending the extension of both contracts to September 30, 2016 be considered by the full Board on August 10, 2016. The contracts would be at no additional cost to the District.

Lake Elementary School Restroom Repairs Project Rejection of Bids – Lisa LeBlanc

On August 10, 2016 the Board will be asked to consider rejecting all bids for the Lake Restroom Repair Project and authorizing staff to rebid the project utilizing the formal bid process. The scope of work for this project includes the replacement of existing exterior door frames and hardware in selected locations and reconstruction of four restrooms. During the planning and design process the Project was estimated to be within the informal bidding thresholds established by California Uniform Public Construction Cost Accounting Act (CUPCCAA). Accordingly, staff solicited bids utilizing the CUPCCAA informal bidding process.

The District received only one bid for the proposed work which was higher than the informal bid threshold under CUPCCAA. There was a lack of contractor availability to bid the project due to a limited number of contractors with the capacity to take on additional summer work. Therefore, staff is recommending that the one bid be rejected on August 10, 2016 to allow a formal bid process to take place.

Retirees returning to teaching prior to 180 day mandate – Ken Whittemore

During this Wednesday’s Board of Education meeting, under Action Item number 1 the Board will be asked to consider granting a recently retired teacher an exemption to fill a highly needed position.

This is the first time a resolution of this nature has been presented to the Board. The California Education Code has been recently amended to allow retired teachers to return to the classroom prior to the mandated 180 waiting period. The new education code allows this exemption in what is designed to assist in filling positions in high need areas and provides a very narrow scope. The State of California recognizes the teacher shortage in the state and is allowing the retiree to return before the 180 days as one way to address that shortage.

Variable Term Waivers – Ken Whittemore

In the upcoming Board packet, the Board of Education will be asked in Action Item number 6 to approve variable term waivers. Variable term waivers provide applicants with additional time to complete the requirements for the credential that authorizes the service or provide employing agencies with time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the assignment options.

Many of our variable term waiver requests are for our out-of-state hires as we assist them in transitioning to California.

Provisional Internship Permits

In the upcoming Board packet, the Board of Education will be asked in Action Item number 7 to approved Certificated Provisional Internship Permit (PIP) requests. The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully-credentialed teacher cannot be found.

If you have any questions on the above three items, please contact me.

Health and Safety Incentive Program – Ken Whittemore

West Contra Costa Unified School District was notified by the Contra Costa School Insurance Group (CCSIG) that for the 2015-16 school year the District met all of the Health and Safety Goals.

This marks the third year in a row that the District has met the (CCSIG) Health and Safety Goals. This accomplishment is made possible by the leadership of Darlene Thompson, the Health and Safety Coordinator, and our outstanding district employees who work with her.

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.

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MEMORANDUM

TO: Liz Block, Chair
Clay Investigation Subcommittee

From: James K. Kawahara, Special Legal Counsel

Date: August 1, 2016

Subject: Process for Finalizing and Publishing Report of the Clay
Investigation Subcommittee

For the purpose of planning how the Subcommittee may complete its report to the Board, I have prepared the following timeline with proposed deadlines and tasks to be completed. In addition, Vicenti, Lloyd and Stutzman LLP (VLS) prepared an overall outline of the forensic accounting report, so the Subcommittee can appreciate the type of information that will be presented.

As a reminder, VLS was retained to conduct a phase 2 forensic accounting of the risk areas identified in the phase 1 risk assessment. There were sixteen areas where VLS was asked to test accounting controls (i.e. "TC"s), and eleven forensic investigation items (i.e. "FI"s).

In addition to retaining VLS to conduct the forensic audit, the Subcommittee was tasked by the Board with the assignment of "assisting the special counsel and audit firm in combining the findings from the forensic audit with a report of legal findings to the Board of Education." [Motion - Board Meeting. F.1, July 21, 2015.] Part of our discussion today will be used to decide the best approach for the Subcommittee to carry out this duty to the Board.

Proposed Timeline

Time frame	Task
July 14 to August 1	Draft recommendations to address findings from "Testing of Controls" ("TCs") have been prepared by VLS and sent to Kawahara Law and District staff for comment per standard operating procedures for this type of audit.
August 12 to August 15	Draft recommendations to address findings from the "Forensic Investigation" ("FIs") to be prepared by VLS and sent to Kawahara Law and District staff for comment per standard operating procedures for this type of investigation.
August 17	VLS to present remaining sections of draft report to Kawahara Law (see report outline).
August 17 to August 30	VLS and Kawahara Law to revise draft report and to address District staff comments; prepare "final draft" VLS forensic accounting report.
August 31	Draft VLS forensic accounting report is presented to Kawahara Law and Clay Investigation Subcommittee.
August 31	Kawahara Law presents legal findings and draft recommendations based on VLS forensic accounting report to the Clay Investigation Subcommittee.
August 31 to September 7	[possible] Additional District staff comments provided to VLS and Kawahara Law on any outstanding draft recommendations from the FIs.
September 8 (5 p.m.)	Clay Investigation Subcommittee meets to discuss draft VLS forensic accounting report and Kawahara Law legal findings and draft recommendations [likely closed session items] .
September 8 to September 14	VLS and Kawahara Law to finalize report to incorporate outstanding District staff comments (for FIs only) and feedback from Clay Investigation Subcommittee
September 21	Clay Investigation Subcommittee Report (including Final VLS Report and Final Kawahara Law Findings and Recommendations) Presented to Board [likely closed session items] .

Outline of VLS Forensic Accounting Report

This outline represents the sections that will be included in the VLS report. This outline is subject to change as progress is made in writing the report.

- Section I: Executive Summary
- Introduction and background on scope, objective, Phase I, etc.
 - Highlights of Work Performed by VLS for Phase II
 - Highlights of any limitations of work VLS was unable to perform, including vendors that did not respond or delayed their responses and impact this had on our work
 - Highlights of the final Risk Assessment Matrix
 - High level summary of our findings and recommendations for TC's and FI's
 - Closing statement
- Section II: Final Updated Risk Assessment Matrix
- Section III: Test of Controls (TC) Results of Testing and Recommendations
- Section IV: Forensic Investigation (FI) Results of Investigation and Recommendations
- Section V: Work Performed by VLS
- Section VI: Scope Limitations & Impact on Work Performed
- Section VII: Closing Paragraph
- Exhibits: List of Exhibit Documents (which will be attached to report)

Public Records Request Log 2016-2017
Week Ending August 5, 2016

	Date of Receipt	Requestor	Requested Records/Information	Current Status
32	10/12/15	Fatima Alleyne	Lozano Smith Attorneys / All Invoices, Contracts and Expenses paid beginning January 1, 2014 – December 31, 3014	Available documents ready for review
38	10/16/15	Fatima Alleyne	Parcel Tax Measure D for 2012-2013 School Year / All financial and bank statements, invoices, receipts and salaries	Available documents ready for review
40	10/23/15	Fatima Alleyne	Parcel Tax Measure D for 2009-2010 School Year / All financial and bank statements, invoices, receipts and salaries	Available documents ready for review
41	10/26/15	Fatima Alleyne	Parcel Tax Measure D for 2008-2009 School Year / All financial and bank statements, invoices, receipts and salaries	Available documents ready for review
43	11/1/15	Fatima Alleyne	All Contracts, Invoices and Expenditures for Legal services paid by the District for the 2013-14 School Year	Available documents ready for review
48	11/10/15	Fatima Alleyne	Job Descriptions for all Superintendents' positions	Available documents ready for review
56	11/30/15	Fatima Alleyne	2015-16 Legal Services Contracts / Lozano Smith Attorneys- Ramsey & Ehrlich- Bragg Coffin Lewis & Trapp- and Swanson & McNamara	Available documents ready for review
57	11/30/15	Fatima Alleyne	Superintendent's Contract and 2014-15 and 2015-16 Goals	Available documents ready for review
113	6/2/16	Michael Schoenfeld Murphy Austin Adams Schoenfeld LLP	Portola Middle School Project / Various records and documents	Acknowledgement letter sent 6/9/16 Letter of Extension sent
114	5/20/16	Lillian Chen Public Counsel	Madera Middle School / For 2014-15 and 2015-16 School Year – Suspensions, Expulsions and Transfers	COMPLETED
115	6/16/16	Barbara Glendenning	WCCUSD Communication(s) with Caliber Schools	Gathering / Reviewing Documents
116	6/17/16	Don Driscoll Driscoll & Omens	CAL200 v. SFUSD Settlement Documents, Agreements and/or Reports	Gathering / Reviewing Documents
117	6/23/16	Patricia Ann Watt	Prop 39 Documents related to Caliber Schools	Gathering Documents
118	6/27/16	Lillian Chen Public Counsel	Madera Elementary School / Student Office Referrals for 2014-15 and 2015-16 School Years	Acknowledgement email sent
119	6/27/16	Lisa Vorderbrueggen Building Industry Assoc.	School Facility Needs Analysis / Fee Resolution Developer Fee Report for last 5 years	Acknowledgement email sent
120	6/27/16	Joyce Tsai East Bay Times	Ramsey Ehrlich Payments received from District to represent Charles Ramsey	Completed
121	6/29/16	Chris Kelley CBOC Vice Chair	Audio copies of Clay Investigation SubCommittee Meetings on 7/20/2015, 8/10/2015, 9/10/2015, 1/11/2016 and 1/20/2016	Completed
1	7/1/2016	Micha Star Liberty Liberty Law	Billing records for Attorney services defending any Sexual Assault, Harassment and/or Abuse Claims filed against the District / Claims filed against	Gathering Records

	Date of Receipt	Requestor	Requested Records/Information	Current Status
			District	
2	7/5/2016	Charla Shaughnessy NTEU/Staff Attorney	WCCUSD Proposed sale of Adams Middle School to Caliber / Documents and/or communications during course of negotiations	Gathering Records
3	7/11/2016	Arthur Lopez Work Preservation Fund	DeAnza HS Building 10 Linked Learning Project – Payroll Records for Kaiser Glass, Reyes Drywall, Inc. and Valley Precision Grading, Inc.	Available documents ready for review – Requestor contacted
4	7/11/2016	Eileen Lynch Edward W. Scott Electric Co.	Valley View Elementary School Interim Housing Project / Roebbelen Contracting, Inc. Record of Payments	Gathering Records
5	7/25/2016	Candis Mitchell Federal Public Defender	Documents from the WCCUSD Police Department	Completed
6	7/25/2016	Leisa Johnson	Contracts, Proposals and Payments between WCCUSD and Interactive Resources, Tom Butt or Any Employee working for Interactive Resources	Gathering Records
7	7/27/2016	Arthur Lopez Work Preservation Fund	Lake ES Exterior Documents	Gathering Records
8	8/3/2016	Patricia Watt	Caliber Prop. 39 requests/Adams negotiations/ Caliber's accommodations at Kennedy since June 23, 2016.	Acknowledgement letter sent