Stop Sale Of Adams Middle School In Richmond To Ron Beller's Caliber Charter School -
**Public Letter To WCCUSD**
An Ad Hoc Coalition of Concerned Citizens
Including Residents, Parents, Teachers, Clergy, and Taxpayers Who Reside and Work in the Boundaries of the WCCUSD
San Francisco Bay Area
California

To:Randall Enos, Madeline Kronenberg, Todd Groves, Valerie Cuevas, Elizabeth Block Board of Directors
Matthew Duffy, Sheri Gamba, Lisa LeBlanc, Ken Whittemore, Nia Rashidchi Superintendent and Cabinet
West Contra Costa Unified School District 1108 Bissell Ave.
Richmond, CA 94801
**August 2, 2016**

Dear President Enos, Trustees Kronenberg, Groves, Cuevas, and Block, Superintendent Duffy, and Associate Superintendents Gamba, LeBlanc, Greer, Whittemore, and Rashidchi,

We are a group of citizens, neighbors, parents, and taxpayers who have come together for the common purpose of opposing the sale of the former Adams Middle School site to Caliber charter school organization. To date, we have collected more than 550 names on a petition from people throughout the district who oppose the sale of Adams to Caliber. At the June 1st meeting, and in at least 14 closed sessions starting in October 2015, you gave Caliber and its representatives your time and attention. But you have denied our group the opportunity to have equal time even in public session.

We thank you for holding this public “study session” and for the time you have taken to meet with people individually. There are many other people concerned about this sale who could not be here tonight, but who have communicated with you separately by email or in person. This letter is a transcript of our collective statement.

First, we are fully aware that Prop. 39 obligates the District to provide “reasonably equivalent” facilities to charter schools. It is just as true that everyone involved – from the Finance Director of the District to the Principles of Caliber, to the parents and teachers at Mira Vista and Caliber – everyone is aware that the current law does not anticipate the problems districts face as charter school populations grow, and deplete district funds needed to service students in its own schools, as well as legacy obligations such as retiree benefits and long­term contract obligations.
In spite of this handicap – this lopsided playing field ­­ it is the Board’s responsibility ­­ along with an informed community ­­ to manage the school district for long term viability for the 27,000 plus students it currently serves, and for future generations.

￼Proponents of the sale of Adams state that anyone against this sale is against having Caliber’s students in their neighborhood. This is not true. We are against this transaction, not the students and families who attend Caliber. This issue can’t be reduced to simplistic slogans about school choice, environmental impacts on a neighborhood, or even the short term budgetary issues the Board is trying to solve.
**We are concerned about the Board’s fiduciary responsibility to the more than 80 percent of children who live here who are attending District schools, and to the taxpayers who help fund this school district. The Board has a responsibility to protect the long term health of this school district, and it requires keen and careful vision about how to serve those children while meeting the obligations of an outdated, inadequate, and exploited law. This is about how to maintain balance between charter school growth and the core obligations of this district. We understand it’s a high wire act.**The Board has stated that the proposed sale of the Adams site falls under an alternative agreement to fulfill its obligation to provide “reasonably adequate” facilities under Education Code section 47614. The District’s staff have not adequately responded to our questions as to why the Adams property has not been declared surplus property as is required by the state Education Code. Instead, the staff appear to rely on the implementing regulations for Education Code 47614 as an end run around surplus property statutes, including Education Code 17466.
We believe the District, if it decides to proceed with the Adams site as a facility for Caliber, should follow state law and first go through the process of declaring that property a surplus property.

**It is puzzling that this Board, which has authorized in excess of $1 million dollars to perform a forensic audit on every line item of every invoice of every building we’ve ever built in this district, has asked the general public to approve the sale of the Adams property with no facts, no figures, and no details on how the negotiated sale price, property value, and construction price was determined. It is puzzling that you ask us to agree to the sale outside of surplus property statutes, when you have not conducted appropriate studies of all surplus property in the district, to see how the Adams campus fits into the school district’s current and future needs.
How can we, as concerned citizens, parents, neighbors and taxpayers agree to the sale of a valuable public asset such as Adams Middle School without full transparency of the terms of the agreement, and with a questionable legal basis for selling off our public property. We have not seen the terms of the sale, any explanation of how you’ve valued the property, how you’ve determined renovation costs, how you’ve decided that Adams is the best solution for now and into the future, whether Caliber Schools is financially viable and able to pay for the renovation costs. Without this information, it is inappropriate to ask for the public’s consent, and to vote on this sale. Only with transparency will the obligation for a hearing be fulfilled. There needs to be time for public review and comment on any transaction of this magnitude.**￼We know and understand that Caliber and other charters are allowed to call themselves “public schools” in California. We understand that they receive public funding for students who attend their school. We disagree that receipt of public funding makes a school a “public school” but that is beside the point. Our concern with this transaction is that public property would be sold to a private, non­profit entity, Caliber Schools at a bargain basement price. The taxpayers of this district have a right to closely evaluate the terms of this transaction, if it is to move forward.

Now we will explain why selling Adams to Caliber won’t prevent it from making future Prop. 39 requests for “reasonably equivalent” facilities. There is nothing to prevent the California Charter School Association from litigating the waiver of future facilities requests on behalf Caliber ­­ perhaps in light of Caliber’s pending petition to expand their charter to also become a High School, and to add another K­8 school. And the Board need only look back as far as the recent parcel tax waivers to understand that a written agreement with Caliber does not mitigate the risk.
Beyond that, the proposed sale may not, ultimately, enable the District to avoid financial obligations associated with Adams site. There is no detail of how construction and renovation costs were determined, and how these other costs would be factored into the total price, should Caliber vacate the property and sell it back to the District. If the District re­acquires the building years from now, a non­Field Act compliant building would be useless to District school children without even further District investment.
Most risky of all is the fact that the Board, itself, would create a loophole for Caliber to get around the Prevailing Wage standard (also known as the Davis/Bacon Act), which says that if public money is used to build something, the wage paid must be the prevailing wage for that region. Statements by Caliber that they are in discussion with the trade unions about construction does not satisfy the concern or prove that the renovation work will pay a prevailing wage.
This proposed transfer also does not save the school district from having to close a school. You need to think carefully, because there are at least a couple of new charter petitions expected this fall, and still more proposed expansions of existing charters over the coming years. At this time, the District cannot avoid future requests, whether from Caliber or other charters, and the Board must avoid creating a precedent to short circuit existing law to place public property in private hands at prices far below market value.

We do not feel that Adams is a suitable site for Caliber, which intends to use it to house up to 1200 students, and up to TWO K­8 Schools in addition to a potential high school one day. We are concerned about the impacts on both the neighborhood and nearby Mira Vista School, which is a successful K­8 operating in the same neighborhood.
Adams is in a residential area, not currently served by public transportation nor adequately served by police or fire. It is in unincorporated Contra Costa County (with only a mailing address of Richmond), which means that the County Sheriffs are the first responders. Neighbors and parents have witnessed several incidents of cars speeding along the Arlington, not stopping or even slowing down at the flashing red light where students cross Arlington Boulevard to go to school. Additionally, the site sits 1⁄4 mile from the powerful Hayward fault. When there are emergency calls, response time is slow due to the fact that this is county property, not associated with any city services.
Adding another 1200 students to this area on a daily basis would create safety concerns for the students and all residents of the neighborhood. Again, this is a residential area, with extremely limited public bus service, with narrow streets and inadequate traffic management. We recognize that Adams was once a school that housed several hundred students. However, there is a big difference between middle school students from the area, who can walk or ride bikes to school, compared to this proposal for 1200 K­8 students, most of whom would need transportation to school from other neighborhoods. And there is an even bigger difference should a high school be installed at the site in the future.

Hear us. This proposed sale is more than what existing law requires, and will ultimately intensify and accelerate public school attrition, school closures and dependence on parcel tax money to meet legacy obligations.
This sale would be precedent­ setting throughout the state in a number of ways:
**1. It would establish that charters have a right to bypass school communities that have waited years for upgraded facilities and have provided the funding for those upgrades.** Recall that Leadership Academy, a proven, high­ performing charter school, spent 11 years in portables before the District spent more than $40 million from bond funds to build a beautiful school building for it in Richmond.
2. It would provide an accelerated track for charters to remove district property from the public domain and incentivize more charter applications in this district.
3. It would lead to greater numbers of charter schools building large facilities exempt from Field Act safety standards, thereby diminishing the safety of an ever­increasing number of children over time.
4. It would create more opportunities for charters to focus on and market superior amenities and cosmetics to attract more students with the money saved by avoiding Field Act compliance and circumventing some unions in the construction process.
5. For the first time in its history, WCCUSD would be enabling a loophole to the Davis/Bacon Act by putting a property into private hands so that any construction undertaken can be paid out at minimum wage. Given that the rumored purchase price has been negotiated to be discounted by the very amount Caliber estimates to pay for the labor and materials to rebuild the site, this amounts to a direct exchange of public money to get around the law.
There should be no doubt that a school perceived to be first in line for resources and with superior amenities will attract new families. This sale would also surely create disillusionment ￼for families such as those at Fairmont, Grant, and Valley View because the Board will have stretched the interpretation of existing law that obligates the Board to provide facilities anytime and anywhere a charter requests it. In this case, that request is that we, the public, essentially give away more than 8 acres of public property, in a premier location, for development with loans from private investors who stand to make substantial gains on their investment in a very short time through the New Markets Tax Credit and interest on the loans repaid by taxpayer money.

Further, it is inappropriate for the WCCUSD trustees and staff to consider statements by Caliber that it intends to file another petition for a second K­8, which also would require a facility through Prop 39, as additional rationale for selling the Adams property. Your obligation is to consider each charter petition on its own merits. Suggesting that Caliber will need space for even more students than the number currently authorized by the County Board of Education implies an intention to authorize something that has not yet been submitted for review. Caliber has also stated it intends to charter a High School, for which it has not submitted a petition. You must consider actual authorized schools, not ‘intended’ schools.

Inevitably, the attrition of public school students to charter schools leads to greater dependence on funding alternatives such as the parcel tax to address these obligations, which for WCCUSD amount to roughly $19M per year. Thus, it is the Board’s responsibility­­ along with an informed community­­ to manage the school district for long term viability for the 27,000 or so students it currently serves and for future generations.

Managing charter school growth is essential to the district’s long term health. It requires careful management of the mechanisms used to provide reasonably equivalent facilities, managing the sequence for constructing new and refurbished facilities to insure that the needs of all district students are met in a democratic manner, and managing the incentives for new charters.

The good news is that there are sites that would fulfill the District’s Prop. 39 obligations without displacing students, and that would not require transferring public property to a private entity. Among these sites are North Campus/PSC, Seaview, Harmon Knolls, and El Sobrante. The district is not obligated to keep Caliber’s elementary and middle schools together.

We get it. We know what you’re facing. Fourteen closed sessions with Caliber leadership who stand to gain the most from this deal have led you to a point where you believe this proposal solves short­term financial issues for the District, and avoids some near­term displacement of current District students.
**But it is not an equitable solution, and it reflects a lack of vision and care for the majority of children – more than 27,000 of them – who attend District public schools.
It creates a legally questionable fast track for charters to acquire public assets and build large scale facilities that will inevitably result in accelerated long ­term attrition from district schools.
It reflects a willful ignorance of several reasonably equivalent options in the district that would put charter children in safer buildings, that are more accessible by walking, biking, and public transit, and would not involve selling off public property.
And it is utterly inconsistent with the claim that you are future ­proofing the District by insisting on full accountability and transparency. Interestingly, many of the concerns voiced here were the same concerns expressed in Lisa LeBlanc’s May 12, 2015 Facilities subcommittee presentation. Selling the Adams site does not reduce those concerns. It inflames them.**We ask you, on behalf of hundreds of taxpayers, neighbors, parents, teachers, students, and citizens, to be visionary, to be strong in prioritizing the long term health of our district, to take the sale of this property off the table.
We ask you to use existing, District owned, accessible, Field Act compliant buildings to fulfill Caliber’s Prop. 39 request. If that can’t be accomplished, then sequence Caliber into the Facilities Master Plan while considering your long term obligations as a whole, and to all of the District’s children. We also ask that you create a master plan, taking into account public input, for all surplus property in the District. The Adams campus should not be a one­off, stop­gap measure, when you have a responsibility to thousands of taxpayers and students in the district.

Sincerely,
An Ad Hoc Coalition of Concerned Citizens
Including Residents, Parents, Teachers, Clergy, and Taxpayers
Who Reside in the Boundaries of the WCCUSD and are opposed to the sale of the Adams Middle School Campus until you have a better master plan for all unused district property.
We submit our petition to the board.