

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2526-40
Emergency Resolution Regarding Potential Concerted Activity in the
West Contra Costa Unified School District

WHEREAS, Article IX, Sections 1 and 5 of the California Constitution guarantee every public school student, including those in the West Contra Costa Unified School District (“District”), a fundamental right to education; and

WHEREAS, Article I, Section 28 of the California Constitution provides that all students and staff have the inalienable right to attend safe, secure, and peaceful campuses; and

WHEREAS, substantial disruption to this constitutional right constitutes a real and appreciable impact and harm to students’ educational rights and the continuity of students’ educational progress (*Butt v. State of California* (1992) 4 Cal.4th 668, 686-687); and

WHEREAS, State policy includes maintaining the continuity and quality of educational services (*Oakland Unified School Dist. v. PERB* (2025) 112 Cal.App.5th 725, 766, citing *San Diego Teachers Assn. v. Superior Court* (1979) 24 Cal.3d 1, 11); and

WHEREAS, the District serves nearly 24,000 students in grades TK–12, and additional early childhood education students, and fulfills its constitutional and statutory obligations through the services provided by all employees, including approximately 1,500 members of the United Teachers of Richmond (“UTR”) and 1,300 members of Teamsters Local 856 (“Teamsters”); and

WHEREAS, the Governing Board (“Board”) bears the legal duty to safeguard students and staff by maintaining safe and orderly campuses and operations, including taking advance or emergency action when circumstances indicate an imminent threat to the discharge of that duty; and

WHEREAS, the District is currently in statutory impasse proceedings under the Educational Employment Relations Act (“EERA”) with both UTR and Teamsters, each of which has requested factfinding; and

WHEREAS, on October 10, 2025, Teamsters reported that approximately 96% of members authorized a strike, and UTR’s strike authorization vote is expected to conclude on October 14, 2025; and

WHEREAS, any strike, work stoppage, slowdown, or similar concerted activity by a substantial number of employees would create an imminent health and safety risk to students and substantially disrupt educational services; and

WHEREAS, Education Code section 35161 authorizes the Board to delegate to District officers or employees such powers and duties as may be necessary to ensure the continuity of educational operations;

NOW, THEREFORE, BE IT RESOLVED that the above recitals are true and correct.

BE IT FURTHER RESOLVED that any actual or reasonably imminent strike, work stoppage, slowdown, sick-out, unauthorized leave, or other concerted refusal to work, as determined by the Superintendent, shall constitute an emergency.

BE IT FURTHER RESOLVED that during such emergency, the Superintendent, or designee, is authorized to take all lawful and appropriate actions to protect students, staff, and property, and to maintain to the fullest extent reasonably possible educational continuity and quality for District students, and prevent or minimize any irreparable harm to District students, including but expressly not limited to the actions outlined below.

1. Ensure student safety and educational welfare (e.g., temporarily adjust schedules, modify programs, postpone, reschedule, or cancel school and extra-curricular activities as needed, etc.).
2. Temporarily reassign students to alternate schools or sites.
3. Provide temporary staffing and supervision for the duration of the strike or work stoppage through substitute employees, independent contractors, or volunteers, and establish substitute teacher pay rates up to \$750 per day, and establish appropriate pay rates for other classifications as necessary.
4. Contract under Government Code § 53060 for essential services or consultants to support District operations during a strike, including but not limited to maintenance and security services.
5. Meet and coordinate with other local, regional or State agencies, as needed to ensure the safety of students and staff and to implement the provisions of this Resolution.
6. Protect District property, including requiring the return of District-owned equipment and access devices during a strike or work stoppage.
7. Authorize reasonable reimbursements (e.g., mileage, credential registration) as needed to attract temporary personnel.
8. Reorganize personnel and resources, temporarily reassigning management and confidential staff, and compensating non-striking employees for additional duties performed during the emergency.
9. Ensure that no warrant is issued for compensation to any employee on unapproved leave, consistent with Education Code § 45055.
10. Ensure that unapproved absences are not reported as creditable service for STRS or PERS purposes.
11. Ensure that vacations or professional leaves not approved before October 10, 2025, are suspended during the emergency unless authorized in writing by the Superintendent or designee, consistent with the terms of any applicable collective bargaining agreement.

12. Ensure that striking employees may only enter a campus or District property with the advance written approval from the Superintendent or Associate Superintendent of Human Resources.

13. Initiate or defend legal proceedings before PERB, Contra Costa County Superior Court, or other courts or forums to prevent a strike or work stoppage, protect students, staff, or the District, and/or remedy the consequences of any strike or work stoppage.

BE IT FURTHER RESOLVED that the Superintendent shall report to the Board within ninety (90) days after the conclusion of any strike or concerted activity, summarizing all actions taken under this Resolution.

BE IT FURTHER RESOLVED that if any provision of this Resolution is held invalid, the remaining provisions shall remain in full force and effect.

BE IT FURTHER RESOLVED that this Resolution is adopted as an emergency measure necessary to protect the health, safety, and welfare of District students and staff. It shall take effect immediately upon adoption and remain effective until repealed by the Board.

PASSED AND ADOPTED by the Board of Education of the West Contra Costa Unified School District on this thirteenth day of October, 2025.

AYE's ____ NO's ____ ABSTAIN ____ ABSENT ____

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed, and adopted by the Board of Education of the West Contra Costa Unified School District, Contra Costa County, at a meeting of said Board on October 13, 2025.

President, Governing Board
West Contra Costa Unified School District

Clerk, Governing Board
West Contra Costa Unified School District