

Community Relations

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 65186)

1. Instructional materials

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment

- a. A semester begins and a certificated teacher is not assigned to teach the class.

Vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Ed. Code 33126)

- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.

(cf. 4112.22 Staff Teaching Students of Limited English Proficiency)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Ed. Code 35186)

(cf. 4112.2 Certification)

AR 1312.4

(cf. 4113 Assignment)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and threat pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition. (Ed. Code 17592.72)

- b. A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- c. The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal or designee in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Ed. Code 35186)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Ed. Code 35186)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. The response shall be made to the mailing address listed by the complainant on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. If section 48985 of the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. (Ed. Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Ed. Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3a above, a complainant who is not satisfied with the resolution offered by the principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction. The complainant shall comply with the appeal requirements of section 4632 of the Education Code. (Ed. Code 35186)

AR 1312.4

Complaint and written responses shall be public records. (Ed. Code 35186)

(cf. 1340 Access to District Records)

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Board and the County Superintendent of Schools. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regular scheduled Board meeting. (Ed. Code 35186)

Forms & Notices

The school will have a form available for a Williams Complaint. However, the complainant does not need to use the form to file the complaint.

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Ed. Code 355186)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Ed. Code 35186. (Ed. Code 35186)

Legal Reference:

EDUCATION CODE

- 1240 County Superintendent of schools, duties
- 17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
- 33126 School Accountability Report Card
- 35186 Alternative uniform complaint procedures
- 60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

- 4600-4671 Uniform complaint procedures

MANAGEMENT RESOURCES

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

Regulation Revised: **April 8, 2008**

FRUITVALE SCHOOL DISTRICT, Bakersfield, CA

(Reviewed October, 2011)