

WILLIAMS UNIFORM COMPLAINT PROCEDURES

AR 1312.4

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 35186; 5 CCR 4681, 4682, 4683*)

1. **Textbooks and instructional materials:**

- a. A pupil, 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 pupil does not have access to textbooks or instructional materials to use at home or after school.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

2. **Teacher vacancy or misassignment:**

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than twenty percent (20%) English learner pupils in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
Teacher 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 or, 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 the semester for an entire semester. (*Education Code 35186; 5 CCR 4600*)
Beginning of the year or semester means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than twenty (20) working days after the first day pupils attend classes for that semester. (*5 CCR 4600*)
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. (*Education Code 35186; 5 CCR 4600*)

3. **Facilities:**

- a. A condition poses an emergency or urgent threat to the health or safety of pupils 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 pupils 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 that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition. (*Education Code 17592.72*)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (*Education Code 35292.5*)

Open restroom means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. (*Education Code 35292.5*)

4. High school exit examination intensive instruction and services:

A pupil, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two (2) consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (*Education Code 35186*)

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed ten (10) working days. (*Education Code 35186; 5 CCR 4680*)

A complaint alleging any deficiencies specified in item #4 above shall be filed with a District official as designated by the Superintendent. Such complaints may be filed at the District Office or at a school site and shall be immediately forwarded to the Superintendent or designee. (*Education Code 35186*)

Investigation and Response

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 thirty (30) working days from the date the complaint was received. (*Education Code 35186; 5 CCR 4685*)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within forty-five (45) working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (*Education Code 35186; 5 CCR 4680, 4685*)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (*Education Code 35186*)

If a complainant is not satisfied with the resolution of a complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled meeting. (*Education Code 35186; 5 CCR 4686*)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within fifteen (15) days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (*Education Code 35186; 5 CCR 4687*)

Complaints and written responses shall be available as public records. (*Education Code 35186; 5 CCR 4686*)

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. 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 regularly scheduled Board meeting. (*Education Code 35186; 5 CCR 4686*)

Forms and Notices

Each school shall have a complaint form available for such Williams identified complaints. The Superintendent or designee shall ensure that the District's Williams 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. However, complainants need not use the District's Williams complaint form in order to file a complaint. (*Education Code 35186*)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (*Education 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 Williams uniform complaint procedure*
- 35292.5 Restrooms, maintenance and cleanliness*
- 37254 Supplemental instruction based on failure to pass exit exam by end of grade 12*
- 48985 Notice to parents in language other than English*
- 60119 Hearing on sufficiency of instructional materials*

Code of Regulations, Title 5

- 4600-4671 Uniform complaint procedures, especially:*
- 4680-4687 Williams complaints*

Management Resources:

Web Sites

- CSBA: <http://www.csba.org>*
- California County Superintendents Educational Services Association: <http://www.ccesa.org>*
- California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>*
- State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>*

(12/07)

MUROC JOINT UNIFIED SCHOOL DISTRICT
Uniform Complaint Procedures Williams Settlement Form
For Education Code Section 35186 Complaints

Education Code (EC) Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the provision of intensive instruction and services to pupils who did not pass one or both parts of the high school exit exam by the end of grade 12. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information.

Response requested: Yes No

Name: (Optional): _____ Mailing Address: _____

Phone Number: (Optional) Day: _____ Evening: _____

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions

- A condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- 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.
- 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.

3. Teacher Vacancy or Misassignment

- Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, 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.)
- Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

4. High School Exit Exam Intensive Instruction and Services

- Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Date of Problem: _____

Location of Problem (School Name, Address, and Room Number or Location): _____

Course or Grade Level and Teacher Name: _____

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint at the following location:

- Complaints alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee **at the school in which the complaint arises.**
- Complaints alleging any deficiencies specified in item #4 above may be filed **at the District Office (17100 Foothill Avenue, North Edwards) or at a school site** and shall be immediately forwarded to the Superintendent or designee.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

Signature: _____ Date: _____