

## 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 35186)

1. 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 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 pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of 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 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. (Education 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. (Education Code 35186)

(cf. 4112.2 - Certification)

(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 that 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. (Education Code 17592.72)

- b. A school restroom has not been maintained or cleaned regularly, is not fully operational, and has 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. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education 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. (Education 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 to the mailing address of the complainant. A 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 complaints was filed. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education 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. (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 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 15 days of receiving the report. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

Complainant shall comply with the appeal requirements of section 4632.

*(cf. 1340 - Access to District Records)*

## **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)

## **Forms and Notices**

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. (Education Code 35186)

A statement that the complainant need not use the Williams complaint form to file a complaint.

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 Alternative uniform complaint procedure

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>

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

### **NOTICE TO PARENTS/GUARDIANS/PUPILS/TEACHERS:**

#### **Important Information About Your Complaint Rights**

*Williams Uniform Complaint Process, Education Code Section 35186 (f)*

This notice is provided to inform you of the following:

1. Every school must provide sufficient textbooks and instructional materials. Every student, including English learners, must have textbooks or instructional materials, or both, to use in the class and to take home or use after class.
2. School facilities must be clean, safe, and maintained in good repair.
3. Each class should be assigned a teacher and not a series of substitutes or other temporary teachers. The teacher should have the proper credential and subject matter training to teach the class, including training to teach English Learners, if present.

To file a complaint regarding the above matters, complaint forms can be obtained at one of the following locations:

- The School Office
- District Website: [www.wiseburn.k12.ca.us](http://www.wiseburn.k12.ca.us)

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

### **AVISO PARA PADRES/TUTORES/ALUMNOS/MAESTROS** **Información Importante Sobre Sus Derechos De Queja**

*Proceso Uniforme de Quejas Williams, Sección 35186 (f) del Código de Educación*

El propósito de este aviso es informarles lo siguiente:

1. Cada escuela debe proporcionar suficientes libros de texto y materiales de enseñanza. Cada alumno, incluyendo a los que aprenden inglés, debe tener libros de texto o materiales de enseñanza, o ambos, para usar en clase y llevar a casa, o para usar después de clase.
2. Las instalaciones escolares deben estar limpias, ser seguras y bien mantenidas.
3. Se deberá asignar un maestro a cada clase y no una serie de suplentes u otros maestros provisorios. El maestro deberá tener las credenciales apropiadas y capacitación en la materia para dar la clase, incluyendo capacitación para enseñar a alumnos que están aprendiendo inglés, en caso de haberlos.

Para presentar una queja respecto a las cuestiones anteriormente mencionadas, puede obtener formularios de queja en uno de los siguiente lugares:

- La oficina del escuela
- Distrito: [www.wiseburn.k12.ca.us](http://www.wiseburn.k12.ca.us)

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

Education Code 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, and teacher vacancy or misassignment. 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 contact information below.

Response requested? Yes  No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

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School/Facility: \_\_\_\_\_

**Issue(s) of the complaint: Please check all that apply:**

**1. Textbooks and instructional materials:**

Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

- 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.
- 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.

Describe the specific nature of the deficiency or deficiencies:

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**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

E 1312.4(c)

**2. Teacher vacancy or misassignment:**

Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

- Teacher vacancy: A semester begins and a 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 twenty percent English learner students in the class.
- Teacher misassignment: A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

**3. Facility conditions:**

- A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, non-functioning 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 students 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, and 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.

Describe emergency/ urgent facilities conditions that pose a threat to the health or safety of pupils or staff.

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Describe how the condition poses a threat to the health and safety of pupils or staff.

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A complainant may attach additional pages if necessary to fully describe the situation. A complaint may contain more than one allegation of emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff.

Please file this complaint with the principal at your school site.

Approved: August 26, 2010