

CLASSIFICATION: Community Relations

ADOPTED: 4/30/07

REVISED: 9/7/16

REVIEWED: 8/23/16

SUBJECT: Williams Uniform Complaint
Procedures

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This administrative regulation establishes Williams Uniform Complaint Procedures to be followed in school programs operated by the San Diego County Superintendent of Schools for the filing, investigation, and resolution of specified complaints regarding alleged deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and conditions of facilities.

TYPES OF COMPLAINTS

1. Complaints alleging deficiencies related to textbooks and instructional materials, as follows:
 - A. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or County Board-adopted textbooks or other required instructional materials to use in class and to use at home or after school.
 - B. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - C. A pupil was provided photocopied sheets from only a portion of a textbook or other instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding a 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 20 percent English learner pupils in the class.
 - C. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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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 a semester for an entire semester.

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester.

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.

3. Complaints regarding the condition of a facility that is not maintained in a clean or safe manner or in good repair, including allegations that:
 - 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 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 condition the County Superintendent of Schools deems appropriate.

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

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Clean or maintained school restroom means a school restroom has been maintained and cleaned regularly, is fully operational and stocked at all times with toilet paper, soap, and paper towels or functioning hand dryers.

Open restroom means, with the exception of temporary closures for repair or pupil safety, all restrooms are kept open during school hours when pupils are not in classes and a sufficient number of restrooms are kept open during school hours when pupils are in classes.

COMPLAINT PROCESS

Filing a Complaint

Complaint forms shall be available at all school programs operated by the San Diego County Superintendent of Schools. However, a person is not required to use a complaint form in order to file a complaint.

The complaint form shall identify the specific location for filing a complaint and shall include a space to indicate whether a response is requested. A complainant may add as much text as he or she wishes to explain the complaint. A complaint may contain more than one allegation.

Complaints filed pursuant to this administrative regulation shall be submitted to the principal of the school program in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded in a timely manner, but not to exceed ten working days from the date the complaint was received, to the County Superintendent of Schools or his/her designee.

A complaint may be filed anonymously. If the complainant is unable to put the complaint in writing due to conditions such as a disability or illiteracy, staff of the San Diego County Office of Education shall assist the complainant in the filing of the complaint.

All complaints and written responses are public records.

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Investigation and Response

The principal shall make all reasonable efforts to investigate any problem within his/her authority.

The principal shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal shall report in writing to the complainant the resolution of the complaint within 45 working days of the initial filing if the complainant identifies himself or herself and has requested a response. The response shall be made to the mailing address of the complainant indicated on the complaint form. If 15 percent or more of the pupils enrolled in the school addressed in the complaint speak a single primary language other than English and if the complaint is written in that language, the response shall be written in English and the primary language in which the complaint was filed. If the principal makes the report to the complainant, the principal shall also report the same information in the same time frame to the County Superintendent of Schools.

Right of Appeal

A complainant who is not satisfied with the resolution of a complaint has the right to describe the complaint to the County Board of Education at a regularly scheduled meeting.

A complainant who is not satisfied with the resolution of a complaint involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Education Code section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the response. The complainant shall comply with the appeal requirements specified in California Code of Regulations, Title 5, section 4632.

REPORT OF COMPLAINTS

The County Superintendent of Schools or designee shall submit quarterly reports of complaints filed in accordance with this administrative regulation to the County Board of

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Education in open session at a regularly scheduled meeting. The reports shall include summarized data on the nature and resolution of all complaints, the number of complaints by general subject area, and the number of resolved and unresolved complaints.

POSTED NOTICE/NOTIFICATIONS

A notice shall be posted permanently in each classroom and regional office of the school programs operated by the County Superintendent of Schools informing parents, guardians, teachers, and pupils of the right to file a complaint regarding alleged deficiencies related to instructional materials, teacher vacancies and misassignments, and facility conditions and the locations at which to obtain and to file a complaint form. The notice shall comply with the translation requirements of Education Code section 48985.

Board Policy 1312
Administrative Regulation 1312.3, 6146, 6161

Derivation: Adopted 4/30/07. Amended and renamed 7/31/08. Amended 4/20/11, 5/8/13. Amended and renamed 9/7/16.

Legal Reference: Education Code
1240, 1240.3, 17002, 17592.72, 35186, 35292.5, 37254, 48985
California Code of Regulations, Title 5
4600 et seq.

Court Decisions
Eliezer Williams et al., vs. State of California, et al., (2004) No. CGC-00-312236,
Superior Court, County of San Francisco

Management Resources: Williams Case, California Department of Education:
www.cde.ca.gov/eo/ce/wc/
San Diego County Office of Education Board Bylaws, Policies, and
Administrative Regulations: www.sdcoe.net/Board/Pages/policies.aspx