

## **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; 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. This does not require two sets of textbooks or instructional materials for each pupil.
  - 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 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.

*(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.

***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)

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

*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 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)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

### **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 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; or any other condition deemed appropriate. (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 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. This does not apply when the temporary closing of the restroom is necessary for pupil safety or to make repairs. (Education Code 35292.5)

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

### **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 consecutive academic years or until the pupil has passed both parts of the exam, whichever comes first. (Education Code 35186)

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6179 - Supplemental Instruction)*

### **Filing of Complaint**

A complaint alleging any condition(s) specified in items #1-3 in the section entitled "Types of Complaints" 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 10 working days. (Education Code 35186; 5 CCR 4680)

A complaint alleging any deficiency specified in item #4 in the section entitled "Types of Complaints" above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or 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 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 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)

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to 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 in the section entitled "Types of Complaints" 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 district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

*(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; 5 CCR 4686)

### **Forms and Notices**

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

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; 5 CCR 4680)

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)

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

*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**

*4600-4687 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.ccsesa.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>*

**Regulation**

**adopted: May 10, 2005**

**revised: May 9, 2006**

**revised: November 13, 2007**

**revised: March 11, 2008**

**revised: March 8, 2011**

**VISALIA UNIFIED SCHOOL DISTRICT**

**Visalia, California**

**Community Relations**

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**Exhibit I**

**NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS:  
COMPLAINT RIGHTS**

**Parents/Guardians, Pupils, and Teachers:**

**Pursuant to Education Code 35186, you are hereby notified that:**

- 1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.**
- 2. School facilities must be clean, safe, and maintained in good repair.**
- 3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.**

**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.**

**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.**

- 4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.**
- 5. A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.**

**Approved February 4, 2008**

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 creates 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 lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law. 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

Contact information:

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

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

Phone number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Location of the problem that is the subject of this complaint:

School name/address: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

- ☐ 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. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.

**4. High school exit exam intensive instruction and services: (Education Code 35186)**

- ☐ 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.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as 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.

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Please file this complaint at the following location:

\_\_\_\_\_  
*(principal or title of designee of the Superintendent)*

\_\_\_\_\_  
*(address)*

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)

Approved: February 4, 2008  
Revised: February 7, 2011



## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

**Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.**

**Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)**

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
  - ☐ 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.
  - ☐ 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. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)
  - ☐ 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 school 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.
  - ☐ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
  - ☐ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facility conditions: (Education Code 17592.72, 35186, 35292.5; 5 CCR 4683)
  - ☐ A condition exists that poses an emergency or urgent 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 condition deemed appropriate by the district.
  - ☐ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.



## **UNIFORM COMPLAINT PROCEDURES**

The Uniform Complaint Procedures of the Visalia Unified School District are supported by Education Code as well as Board of Trustee Policy. The Uniform Complaint Procedure addresses complaints alleging unlawful discrimination or failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs.

The Board of Trustees encourages the resolution of complaints through the mediation process. Furthermore, the Board of Trustees prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures.

When it is alleged that district has violated federal or state laws or regulations governing educational programs, the following complaint procedures are established:

1. Filing of Complaint
2. Mediation
3. Investigation of Complaint
4. Response
5. Final Written Decision

Legal Reference: California Code of Regulations, Title 5, Sections 4600-4671; BP 1312.3(a); AR 1312.3(b)

### **Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants. In discrimination complaints, an alleged victim may not seek civil remedies pursuant to Education Code 262.3 until at least 60 days have elapsed from the filing of an appeal.

### **Visalia Unified School District Compliance Officers**

**Todd Oto, Assistant Superintendent, 559.730.7515**

Consolidated Programs, Migrant Ed, Adult Basic Education, Vocational Ed, Instructional Materials, Special Education

**Robert Gröeber, Assistant Superintendent, 559.730.7529**

Child Nutrition Programs

**Tamara Ravalin, Assistant Superintendent, 559.730.7552**

Human Resources Development



## **Williams Uniform Complaint Notice**

### **Classroom**

#### **Parents, Guardians, Pupils, and Teachers:**

Pursuant to California *Education Code* Section 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.

There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

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.

3. 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.
4. A complaint form may be obtained at the school office, district office, or downloaded from the school's Web site at [www.vusd.org](http://www.vusd.org). You may also download a copy of the California Department of Education complaint form from the following Web site: <http://www.cde.ca.gov/re/cp/uc>.