

Oakland Unified School District

Administrative Regulation

AR 1312.4
Community Relations

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680 - 4683)

1. Textbooks and Instructional materials – Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

- 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 afterschool. This does not require two sets of textbooks or instructional materials for each student.
- 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 photocopies sheets from only a portion of a textbooks 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 – Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:

- 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 a 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 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. (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 – Assignments)

3. **Facilities** – Complaints regarding the condition of school facilities, including any complaints alleging that:
 - 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; 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 schools restroom means a school restroom has been cleaned or maintained regularly, is fully operational, and has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

Open Restrooms means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. (Education Code 35292.5)

(cf. 3514 – Environmental Safety)
(cf. 3517 – Facilities Inspection)

Filing of Complaint

A complaint alleging any condition(s) specified in the section “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)

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)

All copies of Williams Uniform Complaint Procedures (WUCP) complaints and responses shall be forwarded to the Superintendent or designee (Office of the Ombudsperson) as soon as possible.

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)

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

For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section “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

On a quarterly basis, the Superintendent or designee shall report, to the Board at a *regularly* scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (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 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 4689)

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

2341. Prohibition of discrimination, harassment, intimidation, and bullying

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 Procedures

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in a language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600- 4670 Uniform Complaint Procedures

4680-4687 Williams Uniform Complaint Procedures

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>

State Allocation Board. Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

02/18/05; 10/14/05A, 12/05/05A. 08/03/07A, 11/28/16A

Oakland Unified School District

Exhibit

1312.4(E2)
Community Relations

FOR OFFICE USE ONLY	
Date received:	_____
Received by:	_____
Log No:	_____
Mailed to:	_____
Date Mailed:	_____
Copy filed by:	_____
Response Due:	_____

WILLIAMS UNIFORM COMPLAINT PROCEDURES COMPLAINT FORM:

Please submit this complaint form to the School Principal. You may also submit the complaint form to the **Office of the Ombudsperson**, 1000 Broadway, 1st Floor, Suite 150, Oakland, CA 94607. The telephone number is (510) 879-4281, FAX (510) 879-3678. If a written response is requested, the Principal or designee will provide a written response within forty-five (45) working days of the filing of the initial complaint.

Education Code 35186 mandates that district's establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students and staff.. 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: [Optional]

Name:					
Address:		City:		Zip Code:	
Telephone number Day:		Telephone number Evening:			
E-mail address, if any:					
Location of the problem that is the subject of this complaint or School Name:					
Course title/grade level and teacher's name:					
Room number/name of room/location of facility:					
Date problem was observed:					

NOTE: 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 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.
 - A student does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - Textbooks or instructional materials are in poor or unusable condition, have missing pages or are unreadable due to damage.
 - A student was provided photocopied from only a portion of a textbook or instruction materials to address a shortage of textbooks or instructional materials.

2. **Teacher vacancy or misassignment:** (Education Code 35186; 5CCR 4682)
 - 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.
 - A teacher lacking 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 35186, 35292.5; 5 CCR 4683)
 - A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including 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; 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.
 - The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

When did event(s) occur? Date(s)?			
Has the complaint been discussed with the school Principal?	Yes		No
Date(s) you speak to the school Principal:			

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 and safety of students or staff:

If you desire a remedy or wish the District to take a particular course of action, please specify:

Please file this complaint with the person(s) specified below at the following location:

School Principal
 (Principal shall send a copy of the complaint to the Office of the Ombudsperson)

Or

Superintendent's Designee
 Office of the Ombudsperson
 Oakland Unified School District
 1000 Broadway, 1st Floor, Suite 150
 Oakland, CA 94607
 Telephone: (510) 879- 4281
 FAX: (510) 879-3678

I understand that my complaint and the written response is a public record pursuant to Education Code 35186. A public record means that the information on the complaint form may be released to the public upon request.

I understand that it is against District policy to be retaliated against for filing this complaint; that the District may request further information about this matter; and if such information is available, I agree to present it upon request. I believe that the foregoing is true and correct.

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

02/18/05; 10/14/05A; 12/05/05A, 08/03/07A. 4/24/08A, 10/16/13A, 11/28/16

Oakland Unified School District Exhibit

Community Relations
WILLIAMS UNIFORM COMPLAINT PROCEDURES

E(1) 1312.4

NOTICE TO PARENTS/GUARDIANS, STUDENTS AND TEACHERS: COMPLAINT RIGHTS

Education Code 35186 requires that the following notice be posted in each school classroom in each school in the district.

Parents/Guardians, Students and Teachers:

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

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, 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.
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.

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>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.
 - a.) Complaint forms can be obtained on the District's website at: www.ousd.org —located under (1) District Services, (2) Ombudsperson, (3) Williams UCP Complaint form.
 - b.) You may also obtain a complaint form by contacting the Office of the Ombudsperson, 1000 Broadway, Suite 150, Oakland, CA 94607, telephone: (510) 879-4281, FAX (510) 879-3678

02/18/05, 10/14/05A; 12/05/05A, 08/09/07A, 04/24/08A, 11/28/16A