

Salinas City Elementary School District

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Community Relations

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)

Salinas City Elementary School District

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, or 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)

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

Salinas City Elementary School District

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)

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

Salinas City Elementary School District

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)

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

Salinas City Elementary School District

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>

Salinas City Elementary School District

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Exhibit 1

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>.

Salinas City Elementary School District

Community Relations

Exhibit #1312.4

Exhibit 2

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: _____

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.

Salinas City Elementary School District

_____ 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.

_____ 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.

Note: Item #4 below is for use by districts maintaining grades 10-12 that receive CAHSEE intensive intervention funds.

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.

Salinas City Elementary School District

Community Relations

Exhibit #1312.4

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.

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)

Distrito de Escuelas Primarias Salinas

PROCEDIMIENTO UNIFORME DE QUEJAS DE WILLIAMS

Anexo 1

AVISO PARA LOS PADRES/TUTORES, ALUMNOS Y MAESTROS: DERECHOS DE QUEJA

Padres, tutores, alumnos y maestros:

De acuerdo al Código de Educación 35186, por este medio se les notifica que:

1. Debe haber suficientes libros de texto y materiales de enseñanza. Para que haya suficientes libros de texto y materiales de enseñanza, cada estudiante, incluyendo a los estudiantes aprendiendo inglés, debe tener un libro de texto o material de enseñanza, o ambos para que lo use en la clase y que se lo lleve a su hogar.
2. Los planteles escolares deben estar limpios, seguros y conservados en buen estado.
3. No debe haber posiciones de maestros vacantes ni asignaciones indebidas. Deberá haber un maestro asignado a cada clase y no una serie de maestros suplentes o eventuales. El maestro deberá tener la certificación apropiada para enseñar la clase incluyendo la certificación requerida para enseñar a estudiantes aprendiendo inglés, si están presentes.

Vacante de maestro significa una posición a la cual no se ha asignado un sólo empleado certificado al comienzo del año escolar por todo un año o, si la posición es por un curso de un semestre, una posición a la cual un sólo empleado certificado no ha sido asignado al comienzo del semestre por todo un semestre.

Asignación indebida significa la asignación de un empleado certificado en una posición o servicios de enseñanza para la cual el empleado no posee un certificado o credencial legalmente reconocido o la asignación de un empleado certificado en una posición o servicio de enseñanza en la que el empleado no está de otra manera autorizado por ley para realizarla.

4. Estudiantes, incluyendo a estudiantes aprendiendo inglés, quienes no hayan pasado una o ambas partes del examen de graduación de preparatoria para finales del 12^{vo} grado se les debe proveer la oportunidad de recibir enseñanza intensiva y servicios hasta por dos años académicos consecutivos después de haber terminado el 12^{vo} grado.
5. Se puede obtener un formulario de quejas en la oficina de la escuela o en las oficinas del distrito, o descargarlo del sitio web de la escuela o del distrito. También pueden obtener una copia del formulario de quejas del Departamento de Educación de California en el siguiente sitio web: <http://www.cde.ca.gov/re/cp/uc>.

Anexo 2

Distrito de Escuelas Primarias Salinas

Relaciones Comunitarias

Anexo #1312.4

FORMULARIO DE QUEJAS: PROCEDIMIENTO UNIFORME DE QUEJAS DE WILLIAMS

El Código de Educación 35186 establece un procedimiento para la presentación de quejas referentes a deficiencias relacionadas a los materiales de enseñanza, condiciones de los planteles que no están conservados en una manera limpia o segura o en buen estado, posiciones de maestros vacantes o maestros en asignación indebida, o la falta de oportunidad de recibir enseñanza intensiva y servicios para los estudiantes que no pasaron una o ambas partes del examen de graduación de la preparatoria para finales del 12^{vo} grado. La queja y la respuesta son documentos públicos como lo estipula la ley. Las quejas pueden ser presentadas en forma anónima. Pero, si usted gusta recibir una respuesta a su queja, debe proporcionar la información de contacto de abajo.

¿Solicita respuesta? Sí No

Información de contacto:

Nombre: _____

Domicilio: _____

Número de teléfono de día: _____ tarde: _____

Dirección de E-mail, si tiene: _____

Localización del problema que es el motivo de esta queja:

Nombre de la escuela/domicilio _____

Título del curso, nivel de grado y nombre del maestro(a): _____

Número del salón, nombre del salón, localización del plantel: _____

Fecha en que se observó el problema: _____

Solamente los siguientes problemas pueden ser el objeto de este proceso de quejas. Si usted desea quejarse sobre un problema que no está especificado abajo, por favor utilice el apropiado procedimiento de quejas del distrito.

Problemas específicos de la queja: (Por favor marque todo lo que aplica. Una queja puede contener más de una acusación.)

1. Libros de texto y materiales de enseñanza: (Código de Educación 35186; 5 CCR 4681)

Un estudiante, incluyendo un Estudiante Aprendiendo Inglés, no tiene los libros de texto alineados con los estándares o materiales de enseñanza o libros de texto adoptados por el estado o el distrito ni otros materiales de enseñanza requeridos para usarse en la clase.

Un estudiante no tiene acceso a los libros de texto o materiales de enseñanza para usarlos en su casa o después de escuela. Esto no requiere dos juegos de libros de texto o materiales de enseñanza para cada estudiante.

Los libros de texto o materiales de enseñanza están en malas condiciones o deteriorados, les faltan páginas, o no pueden leerse debido a lo deteriorado.

A un estudiante se le dieron hojas fotocopiadas de solamente una parte del libro de texto o de los materiales de enseñanza para cubrir el faltante de libros de texto o materiales de enseñanza.

Distrito de Escuelas Primarias Salinas

2. Posiciones de maestros vacantes o asignación indebida: (Código de Educación 35186; 5 CCR 4681)

- ___ Un semestre empieza y existe una posición de maestro vacante. Una vacante de maestro es una posición a la cual no han asignado un sólo empleado certificado al comienzo del año escolar por todo un año o, si la posición es por un curso de un semestre, una posición a la cual un sólo empleado certificado no ha sido asignado al comienzo del semestre por todo un semestre.
- ___ Un maestro quien carece de las certificaciones o entrenamientos para enseñar a estudiantes aprendiendo inglés está asignado para enseñar una clase con más del 20 por ciento de Estudiantes Aprendiendo Inglés en la clase.
- ___ Un maestro es asignado a enseñar una clase para la cual no está capacitado.

3. Condiciones de los planteles: (Código de Educación 35186, 35292.5; 5 CCR 4683)

- ___ Existe una condición que posee una emergencia o amenaza inmediata para la salud o seguridad de los estudiantes o el personal incluyendo fugas de gas; sistema de calefacción no funcionado, ventilación, extintores de incendio, o sistemas de aire acondicionado; fallas de la corriente eléctrica; obstrucción mayor de alcantarillas; seria infestación de insectos o bichos; ventanas quebradas o puertas exteriores o portones que no cierran y que crean un riesgo de seguridad; disminución de materiales peligrosos no descubiertos previamente que crean una amenaza inmediata para los estudiantes o el personal; o daños estructurales que crean una condición peligrosa o inhabitable, y cualesquier otra condición que el distrito considera apropiada.
- ___ A un baño escolar no se le ha hecho la limpieza ni se le ha dado mantenimiento regularmente, no está trabajando completamente, y no todo el tiempo se le ha proveído papel sanitario, jabón ni toallas de papel, y las secadoras de mano no funcionan.
- ___ La escuela no tiene todos los baños abiertos durante las horas escolares cuando los estudiantes no están en clases y no ha mantenido un suficiente número de baños abiertos durante las horas escolares cuando los estudiantes están en clases. Esto no aplica cuando el cierre de los baños es necesario por la seguridad de los estudiantes o para hacer reparaciones.

4. Enseñanza intensiva y servicios para el examen de graduación de preparatoria: (Código de Educación 35186)

- ___ Estudiantes quienes no han pasado el examen de graduación de preparatoria para finales del 12^{vo} grado no se les proporcionó la oportunidad de recibir enseñanza intensiva y servicios de acuerdo al Código de Educación 37254(d)(4) y (5) después de terminar el 12^{vo} grado.

Por favor describa en detalle el motivo de su queja. Usted puede anexar páginas adicionales e incluir toda la información que sea necesaria para describir completamente la situación. Para quejas referentes a las condiciones de

Distrito de Escuelas Primarias Salinas

Relaciones Comunitarias

Anexo #1312.4

los planteles, por favor describa las condiciones de emergencia o urgencia y cómo esa condición posee una amenaza para la salud o seguridad de los estudiantes y el personal.

Por favor presente esta queja en la siguiente dirección:

(director(a) o título de la persona designada por la Superintendente)

(domicilio)

Por favor firme abajo. Si usted desea permanecer en anonimato, no se requiere su firma. Pero, todas las quejas, hasta las anónimas, deben ser fechadas.

(firma)

(1/06 3/07) 11/07

(fecha)

Traducción: mry, SCESD, 3/23/11