

RANCHO SANTA FE SCHOOL DISTRICT

Board Policy No. 1004: COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS, EMERGENCY OR URGENT FACILITIES CONDITIONS THAT POSE A THREAT TO HEALTH OR SAFETY, AND TEACHER VACANCY OR MISASSIGNMENT

A. Types of Complaints

The District shall use the procedures set forth in this Board Policy to address the following types of complaints:

1. A complaint related to instructional materials as follows:
 - a. 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 material to use in class.
 - b. A pupil does not have access to instructional materials to use at home or after school.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

2. A complaint related to teacher vacancy or misassignment as follows:
 - 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 one or more English learner pupils in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. A complaint related to the condition of facilities as follows:
 - a. Conditions that pose an emergency or urgent threat to the health or safety of pupils or staff. "Emergency facilities needs" means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff at school, including but not limited to, those defined below.
 - (1) Gas leaks.
 - (2) Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
 - (3) Electrical power failure.
 - (4) Major sewer line stoppage
 - (5) Major pest or vermin infestation.
 - (6) Broken windows or exterior doors or gates that will not lock and that pose a security risk.

- (7) Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff.
- (8) Structural damage creating a hazardous or uninhabitable condition.

For purposes of this section, “emergency facilities needs” does not include any cosmetic or nonessential repairs.

For purposes of this section, structures or components shall only be replaced if it is more cost-effective than repair.

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

B. Submission of Complaints Identified in Paragraph A

1. A complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. The District’s complaint form shall include a space to mark to indicate whether a response is requested.
2. The District complaint form shall specify the location for filing the complaint. A complainant may add as much text to explain the complaint as they wish.
3. A complaint shall be filed with the Principal of the school. The Principal shall immediately notify the Superintendent upon receiving a complaint. The District encourages complainants to orally notify the Superintendent of any such complaint, particularly those situations which may pose a threat of injury to staff or pupils.
4. A complaint about problems beyond the authority of the Principal shall be forwarded in a timely manner but not to exceed ten (10) working days to the Superintendent for resolution.
5. Valid complaints shall be remedied within a reasonable period of time not to exceed thirty (30) working days from the date the written complaint was received. The Principal shall report to the complainant the resolution of the complaint within forty-five (45) working days of the receipt of the complaint if the complainant has indicated on the form that a response is requested. If the Principal makes this report, the Principal shall also report the same information in the same timeframe to the Superintendent.
6. If the complainant is not satisfied with the proposed resolution of the complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled hearing of the Board.

7. With respect to those complaints which involve a condition of a facility that poses an emergency or urgent threat, as defined in Education Code Section 17592.72(c)(1), a complainant who is not satisfied with the resolution proffered has the right to file an appeal to the Superintendent of Public Instruction, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

C. Reports

The Superintendent shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the County Superintendent of Schools and the District Governing Board. The summaries shall also be publicly reported on a quarterly basis at a regularly scheduled meeting of the Governing Board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

D. Notices and Complaint Form

Notices shall be posted in each classroom consistent with the requirements of Education Code section 35186. The attached complaint form shall be made readily available.

E. Other Complaints Regarding Instructional Materials

It is the policy of the District that the following procedures shall be used to present complaints regarding instructional materials which are used by the District which are not described in Paragraph A above.

F. District Procedure For Other Complaints Regarding Instructional Materials

1. Complaint To The Superintendent

- a. Complaints concerning instructional materials must be presented in writing to the Superintendent and are not required to be presented using a District form. Complaints regarding printed material must include the name of the author, title, publisher and the class in which the printed material is being used. The written complaint must specify whether the complainant objects to the entire content of the written material or to only a portion of the written material. If the objection only extends to a portion of the written material, the complainant shall identify the portion of the material that is objectionable. In the case of non-printed materials, written information specifying the precise nature of the material shall be provided. The written complaint also must specify the reason or basis for the complaint. The complaint must be signed and dated. Oral and anonymous complaints shall not be processed pursuant to these procedures.

b. A complaint related to the use or prohibited use of any existing textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library that alleges unlawful discrimination based on a violation of Education Code 243 or 244 shall be filed, investigated, and resolved in accordance with Board Policy 6006, Uniform Complaint Procedures.

c. After receiving a complaint, the Superintendent or designee shall take the following steps:

(1) Notify the teacher(s) who use(s) the materials in class of the complaint;

(2) Review the complaint. The Superintendent's review of the complaint may, but need not, include:

(a) A request that the complainant meet with the Superintendent or designee;

(b) A meeting with the teacher(s) who use(s) the materials in class;

(c) A request that a committee of certificated personnel review the material and prepare an oral or written report to the Superintendent;

(3) Prepare a written response to the complaint. The written response shall be forwarded to the complainant, the teacher(s) who use(s) the materials in class, and the Governing Board.

2. Complaint to the Governing Board

a. If the complainant is not satisfied with the response of the Superintendent, the complainant may file the complaint with the Board. A complaint filed with the Board shall be filed no later than ten (10) school days after the date the Superintendent signed the response. The complainant shall submit to the Board a copy of the complaint that was submitted to the Superintendent and shall also attach a copy of the Superintendent's written response. The complaint to the Board shall be filed with the Superintendent who shall forward the complaint to the Board.

b. The Board shall review the complaint at a public Board meeting as soon as practicable. The Superintendent shall notify the complainant and the teacher(s) who use(s) the materials in class with notice of the date, time and place of the public Board meeting at which the complaint will be reviewed no less than five (5) calendar days prior to the Board meeting. The complainant, the teacher(s) who use(s) the material in class, the Superintendent and members of the public will have an opportunity to make comments at the Board meeting.

- c. After reviewing the complaint, the Board, in its sole discretion, shall determine whether the materials shall continue to be part of the school curriculum; whether the materials shall be excluded from the school curriculum; or whether any other adjustment concerning the instructional materials shall be made. Any decision to exclude instructional materials shall be reasonably related to legitimate pedagogical concerns.
- d. The Superintendent shall provide written notice of the Board's decision to the complainant and to the teacher(s) who use(s) the materials in class. The Board's decision shall be final.

Legal reference:

Education Code sections 17592.72, 33126, 35186, 35292.5, 60119

Date Policy Adopted By The Board: September 6, 1990

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