

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)

## 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.
- 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 sheet from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

## 2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.

*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 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. (5 CCR 4600)

- 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 students in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

*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)

### 3. Facilities

- 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. (Education Code 17592.72)

- b. Every restroom is not maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. All school site restrooms are not open during school hours when pupils are not in classes, or a sufficient number of restrooms are not open during school hours when pupils are in classes.

### 4. High School Exit Exam, Intensive Instruction and Services

- a. The Superintendent shall designate a district official to receive and investigate complaints regarding deficiencies related to intensive instruction and services for students who have not yet passed the California High School Exit Exam (CAHSEE) after the completion of grade 12.
- b. A student, 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 years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186)

#### Filing a Complaint

A complaint alleging any condition(s) specified in item # 1-3 above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days.) (Education Code 35186; 5 CCR 4680)

A complaint alleging any deficiencies specified in item #4 above shall be filed with a district official as designated by the Superintendent. Such complaints may be filed at the district office or a school site and shall be immediately forwarded to the Superintendent or designee.

(Education code 35186). The Complainant need not use the Williams complaint form to file a complaint. (T5CCR 4680)

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### 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; CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her 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 sent to the mailing address of the complainant as indicated on the complaint form. If 15 percent or more of the students enrolled in a school speak a single primary language other than English, a parent or guardian who files a complaint written in that primary language and requests a response is entitled to a response written in the language in which the complaint was filed. 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)

### Appeal Process

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 meeting. (Education Code 35186; 5 CCR 4686)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 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. (Education Code 35186) The complainant shall comply with the appeal requirements specified in the Title 5, California Code of Regulation, Section 4632. Complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686-7)

### 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 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. However, complainants need not use the district's Williams complaint form in order to file a complaint. (Education Code 35186)

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 References

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 V  
4600-4671 Uniform complaint procedure  
4680-4687 Williams complaints

Management Resources:

WEB SITES

CSBA: <http://csba.org>

California Department of Education, Williams case: <http://cde.ca.gov/eo/ce/wc/index.asp>

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LONG BEACH UNIFIED SCHOOL DISTRICT