

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:

1. Instructional materials
 - 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 after school
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
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 students in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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.

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.

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- 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.

- 4. High school exit examination intensive instruction and services:

A student, including an English learner, who has not passed the exit exam by the end of grade 12 shall be 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 student has passed both parts of the exam, whichever comes first.

Filing of Complaint

A complaint alleging any condition(s) specified in items #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.

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 at a school site and shall be immediately forwarded to the Superintendent or designee.

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.

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. At the same time, the principal or designee shall report the same information to the Superintendent or designee.

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing.

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction.

Complaints and written responses shall be public records.

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The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on, a quarterly basis to the Board and the County Superintendent of Schools. 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.

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.

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.

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	Alternative Uniform Complaint Procedure
135292.5	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

4600-4671	Uniform complaint procedures
4680-4687	Williams complaints

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

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(Exhibit 1)

NOTICE TO PARENTS/GUARDIANS: COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Education Code 35186 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, 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. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments as defined in Education Code 35186(h)(1) and (2)

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.

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.

4. Pupils, including English learners, who have not passed one or both parts of the 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. To file a complaint regarding any of the above matters, complaint forms can be obtained at the principal's office, district office, or can be downloaded from the school district's or California Department of Education's website.

WILLIAMS UNIFORM COMPLAINT PROCEDURES(Exhibit 2)**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

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: _____

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

School: _____

Course or grade and teacher name: _____

Room Number or Name of Room: _____

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 issues(s) of the complaint. Please check all that apply;

1. Textbooks and instructional materials:

A student 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.

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

A student 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 semester begins and a teacher vacancy exists, as defined in Education Code 35186 and AR 1312.4.

A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.

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

3. Facility conditions:

A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in AR 1312.4.

☐ 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, and 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 closing the restroom is necessary for pupil safety or repairs.

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4. High School Exit Examination intensive instruction and services:

A student, including English learners, was not provided with intensive instruction and services who has not passed one or both parts of the CAHSEE for up to two consecutive academic years after the completion of grade twelve or until the student has passed both parts of the CAHSEE, whichever comes first.

A student, including English learners, who have not passed one or both parts of the CAHSEE by the end of grade twelve was not notified in writing at the last known address before the end of each school term of the availability of the services in sufficient time to register for or avail themselves of those services each term for two consecutive academic years.

The counseling program was not adopted to include provision for a counselor to explain the availability of intensive instruction and services for up to two consecutive academic years after the completion of grade twelve or until the student has passed both parts of the CAHSEE, whichever comes first.

A student, including English learners, was not identified as "At Risk" of not graduating with the rest of their class and informed of the option of intensive instruction and services for two consecutive years after completion of grade twelve or until the student has passed both parts of the CAHSEE, whichever comes first.

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation: _____

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

(Principal or title of designee)

(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

Adopted

Date: 1-24-05

Revised: 6-13-05, 11-14-05, 4-3-06

Revised: 12-11-07

Silver Valley Unified School District