

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/25/2016

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. 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 textbooks or instructional materials to use at home or after school. 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 photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. 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 learners in the class.
 - 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)

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)

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. Complaints regarding the condition of school facilities, including any complaint 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 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 students 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 students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

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)

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 at the mailing address indicated on the complaint form 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. (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 Board of Trustees 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 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)

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 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)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
Ed. Code 1240	County superintendent of schools, duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 17592.72	Urgent or emergency repairs, School Facility Emergency Repair Account
Ed. Code 234.1	Prohibition of discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Complaints concerning deficiencies in instructional materials and facilities
Ed. Code 35292.5-35292.6	Restrooms, maintenance and cleanliness
Ed. Code 48985	Notices in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

Federal References

20 USC 6314	Schoolwide programs
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Management Resources References

Website	AASA The School Superintendents Association - https://simbli.eboardsolutions.com/SU/MOaF8AO8cslshSlfGc13QQoEQ==
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Cross References

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/6EPsCzXYnTp7JLcxMnG7kA==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/ViVFcar2vWnMPyrZtg4DIw==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/DLow1UXVFWMb7iy8vlnU4w==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/zeIVblMmyhXzUHs93Bplusi4Q==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/Rq3vvyKZlwZwRSoVvsaGyg==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/BVqa8aPTzt9YitleyCnvGg==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/MbTOwgWnyf7tplus9c3JAqvHg==
1312.2-E(1)	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/DhRV06LLZuctGFUBC60bWw==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/8Dnw01BS9Fs6UdK9KVdsVg==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/7Dgi3Q7pcnph5NeKbDLk6Q==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/w4iRDpluskO8L9CwzZscQYc6g==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/K4q87j5OFRe4ZIJqaBKBjg==

3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/NS3agNOF8hKllydqp3FNhg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/i8xQlJMHqMyB8JedCyqHvQ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/SKn2slshLbaeflw4qoxplus9VuXA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/34CxADslsh6slsh7cZq8EgkXlxKw==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/xTUo8gOUPMOqAeAslsh0QAAGw==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/RswNr5168o8KCXtkQBplusM3Q==
4113	Assignment - https://simbli.eboardsolutions.com/SU/16ucGGWTQrlelu0Zu2odzA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/NFkigFyzX7BV7gFZxSMYQ==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/D65YKbvWEONMsvm4sw3mCg==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/AfbqbKbJ2Vl1meDimrtjbQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/H6TGvgY3lplusoZ4grWCLQ4Hg==
6161.1-E(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/sk3pshu81wNGqydBEWplusF8yg==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/dGTMKDOvlhVZB4G3Z6rciw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/27plusrxreeVe3q2alpp4XTcg==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/xxMJ862cctNYNEkOJ4RrGA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/KXYH4fJswTxlshnf5fUxPnlQ==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/uyzxsCtwmuB9sVunDIFAYQ==