

COMMUNITY RELATIONS

PUBLIC ACTIVITIES INVOLVING STAFF, STUDENTS OR SCHOOL FACILITIES

PUBLIC COMPLAINTS

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; 5 C.C.R. §§ 4681, 4682):

A. Textbooks and instructional materials

1. A student, including an English learner, does not have standard-aligned textbooks or instructional materials or state or District-adopted textbooks or other required instructional materials to use in class.
2. 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.
3. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
4. 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.

B. Teacher vacancy or misassignment

1. A semester begins and a teacher vacancy exists.
2. 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.
3. 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 C.C.R. § 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 C.C.R. § 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 C.C.R. § 4600.)

C. Facilities

1. 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.)

2. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code section 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, and has been stocked at all times with toilet paper, soap, and 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 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, not to exceed 10 working days. (Education Code § 35186; 5 C.C.R. § 4680.)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. The principal, or, where applicable, Superintendent or designee, 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 C.C.R. § 4685.)

Complaints may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she so indicates. 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 C.C.R. §§ 4680, 4685.)

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 C.C.R. § 4686.)

For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff, a complainant who is not satisfied with the resolution offered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction (SPI) within 15 days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 California Code of Regulations section 4632. (Education Code § 35186; 5 C.C.R. § 4687.)

All complaints and written responses shall be public records. (Education Code § 35186; 5 C.C.R. § 4686.)

(cf. 3620 - Records Requests)

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 C.C.R. § 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. (Education Code § 35186; 5 C.C.R. § 4680.)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school notifying parents and guardians of the following:

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, instructional materials, 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.
4. The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the website of the District shall satisfy this requirement. (Education Code § 35186; 5 C.C.R. § 4684.)

Legal References: Education Code sections 1240, 17592.72, 33126, 35186, 35292.5, 60119

5 C.C.R. sections 4600-4671 and 4680-4687.

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